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STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, EX REL.,
RAÚL TORREZ, ATTORNEY GENERAL,

Plaintiff,

v. No. D-101-CV-2023-02838

META PLATFORMS, INC.,

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT, ORDER, AND DECREE OF THE COURT

THIS MATTER came before the Court for a two-phase proceeding, with Phase 1 being a jury trial held between February 2, 2026 and March 24, 2026, and Phase 2 being a bench trial held between May 4, 2026 and May 22, 2026, upon complaint by the Plaintiff, the State of New Mexico, *ex rel.*, Raúl Torrez, Attorney General (the "State"). The Phase 1 jury trial considered the State's Unfair Practices Act claims and resulting civil penalties. The Phase 2 bench trial considered the State's request for abatement based upon the State's allegation that the Defendant, Meta Platforms, Inc. ("Meta"), created a public nuisance. The State appeared through its attorneys with the New Mexico Department of Justice and Motley Rice, LLC. Meta appeared through its attorneys with Holland & Hart, LLP; Rodey, Dickason, Sloan, Akin & Robb, P.A.; Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C.; and, Covington & Burling, LLP. Having taken evidence, heard argument, considered the parties' written submissions, and being otherwise fully advised, THE COURT FINDS, CONCLUDES, AND ORDERS:

FINDINGS OF FACT

A. Background

1. On December 5, 2023, the State filed a complaint against Meta that included a request for injunctive relief to abate a public nuisance. The State brought its suit through Raúl Torrez, the New Mexico Attorney General.

2. Meta, formerly known as Facebook, Inc. and TheFacebook, Inc., is a multinational technology company incorporated in Delaware, with a principal place of business in Menlo Park, California. *See* Defendants' Amended Answer and Affirmative Defenses ¶ 8, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. Aug. 2, 2024). Meta is registered to do business in New Mexico as a Foreign Profit Corporation. *Id.*

3. Meta designs, markets, and operates social media services, including Facebook, Instagram, Messenger, and WhatsApp. *Id.* ¶ 9. Facebook and Instagram are accessible via internet browser and mobile app. *Id.* ¶ 47.

4. Instagram, LLC provides a social media networking service that enables users to post and share images and videos with others, as well as interact with other users. *Id.* ¶ 11. Meta purchased Instagram on April 9, 2012. *Id.* Instagram, LLC is a wholly owned subsidiary of Meta. *Id.*

5. Meta "operates the services Facebook, Instagram, and WhatsApp" in New Mexico, and "New Mexico citizens and/or citizens of other states traveling in or visiting New Mexico use Facebook, Instagram, and/or WhatsApp." *Id.* ¶ 30. Additionally, Meta operates a data center in Los Lunas, New Mexico, and the data center houses Meta's computing equipment and hardware. *Id.* ¶ 21.

6. On December 18, 2023, Defendants filed a notice of removal invoking the federal district court's federal question jurisdiction under 28 U.S.C. § 1331. While the matter was in federal court,

the State filed an amended complaint on January 9, 2024, which maintained a claim against Meta for public nuisance and request for injunctive relief.

7. The Court has personal and subject matter jurisdiction in this matter and venue is proper in Santa Fe County, State of New Mexico. Meta filed a motion to dismiss based on lack of personal jurisdiction on March 1, 2024, which this Court denied on June 21, 2024.

8. The Court bifurcated the trial of this matter into two phases. Phase 1 was a jury trial to reach a verdict on legal claims that Meta's conduct violated the New Mexico Unfair Practices Act ("UPA"), NMSA 1978, §§ 57-12-1 to -27 (1967, as amended through 2025). Phase 2 was a bench trial to principally consider whether Meta's platforms created a public nuisance in New Mexico and, if so, what abatement is appropriate.

9. Evidence in Phase 1 focused on Meta's platforms, representations about those platforms, risks existing on or created by those platforms, and whether Meta's representations or omissions violated the UPA because they did not accurately disclose characteristics and risks associated with those platforms.

10. To avoid juror confusion between UPA and statewide nuisance abatement claims, evidence of the latter was largely excluded from Phase 1 and was reserved for Phase 2. The jury was given a UPA instruction that focused on representations to adolescents, as opposed to harms caused to New Mexico's populace as a whole. As the parties rely on evidence from both trial phases in their proposed findings of fact and conclusions of law, the Court similarly considers all relevant evidence from Phase 1 and Phase 2 with respect to the State's public nuisance abatement claims.

11. In Instruction 16 to the jury, the jury was instructed that "[t]o determine the number of violations, it is for you to decide from the evidence presented how many, if any, people under 18 in New Mexico either used the platform because they were not properly informed of the alleged

risks or would not have used the platform if they were so informed." Final Jury Instructions, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. April 9, 2026).

12. Applying this measure of harm to the Phase 1 evidence to calculate the appropriate civil penalty under the UPA, the jury concluded that Meta committed 75,000 violations of the UPA and that each of these violations warranted the highest possible penalty of $5,000.00, for a total verdict of $375,000,000.00. Order Correcting Verdict Form, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. March 26, 2026).

B. New Mexico is experiencing a youth mental health crisis.

13. During Phase 1 and Phase 2, the Court received evidence of both national and New Mexico specific data related to the mental health of adolescents. To reach its decision in this matter, the Court relies first and foremost on data regarding the mental health of adolescents in New Mexico, but also takes note where the national data is more comprehensive than what is available in New Mexico. Both parties produced evidence from government reports and professional organizations observing that mental health is shaped by many factors, including genes, brain chemistry, family and friends, neighborhood conditions, and larger social forces and policies. [*See* Def. Ex 03044 at 3-5, 9 (Surgeon General's 2023 advisory); Pl. Ex. 03193 at 3-5, 9 (same); *see also* Def. Ex. 01045 at 38 (providing in the consensus report study on social media from the National Academies of Science, Engineering, and Medicine, that "[g]un violence, climate change, parental attitudes, social unrest, poverty, inequity, and isolation have all been proposed as explanations" for recently reported declines in teen mental health)]

14. The Court finds based on the evidence that there is a youth mental health crisis in New Mexico, which has worsened in recent years. [*See, e.g.*, 5-11-26 Tr. 17417:9-13, 17453:21-24 (Pell); 5-11-26 Tr. 17642:7-13 (Cain)] As described herein, the youth mental health crisis in New

Mexico is adversely impacting teens, their families, and their communities. It is also burdening public and community resources throughout the State. New Mexico youth are particularly at risk of negative mental health outcomes, for a variety of factors, including adverse childhood experiences such as abuse, neglect, exposure to community violence, and living in under-resourced or racially segregated neighborhoods, which the New Mexico Department of Health has determined can increase the risk for mental health conditions, both during and beyond childhood. [*See* Def. Ex. 03044 at 6.] Schools can negatively or positively affect youth mental health, and most districts within the New Mexico education system do not have the funding or resources to provide mental health support to all students who need it.

15. Recent trends in public health data show that measures of youth mental health in New Mexico have significantly worsened in recent years. For example, data from the New Mexico Youth Risk and Resiliency Survey ("NM YRRS") shows that, among New Mexico adolescents in grades 9-12, persistent feelings of sadness or hopelessness were 16% higher in 2023 than they were in 2013. [Pl. Ex. 07744 at 7; 5-11-26 Tr. 17454:22-17456:11 (Pell)] Dylan Pell, a mental health epidemiologist at the New Mexico Department of Health, testified that this "represents a massive public health burden in New Mexico." [5-11-26 Tr. 17456:4-5; *see* 5-11-26 Tr. 17454:22-17456:11 (Pell)] Similarly, data from the National Survey on Drug Use and Health shows that major depressive episodes among youth in New Mexico more than doubled from 2013/2014 to 2022/2023. [Pl. Ex. 07744 at 5; 5-11-26 Tr. 17450:5-17451:20 (Pell)] Mr. Pell testified that in recent years, New Mexico has had a higher prevalence of major depressive episodes among youths when compared to other states. [5-11-26 Tr. 17453:8-11] Data reflects that youth major depressive episodes, both in New Mexico and in the United States as a whole, increased at a fairly steady rate

between 2009 and 2023, save for a period of time roughly coinciding with the COVID-19 pandemic during which time depressive episodes increased more sharply. [*See* Pl. Ex. 07744 at 6]

16. In recent years, suicide has been either the leading or second leading cause of death among adolescents in New Mexico. [5-11-26 Tr. 17464:18-21 (Pell)] The rate of suicide deaths among adolescents in New Mexico for the five-year period of 2019-2023 was 31% higher than for the five-year period of 2009-2013. [5-11-26 Tr. 17464:18-21 (Pell)] For the five-year period of 2019-2023, suicide was the second leading cause of death among adolescents in New Mexico, representing about five times the number of children who died of cancer in that time period. [5-11-26 Tr. 17465:5-25 (Pell)] Clarie Miller, the lead suicide prevention coordinator at the New Mexico Department of Health, testified that youth suicide in New Mexico is "a public health crisis." [5-4-26 Tr. 14762:21-25; 5-4-26 Tr. 14759:3-20, 14763:1-14 (Miller)]

17. Similarly, activity indicating disordered eating among youth in New Mexico has significantly increased. Between 2011 and 2023, the prevalence of New Mexico adolescents in grades 6-8 who reported vomiting or using laxatives for weight control more than doubled, and the prevalence of those adolescents who went without eating for weight control increased 80%. [Pl. Ex. 07744 at 12-13]

18. Dr. Kimothi Cain, a child and adolescent psychiatrist at the University of New Mexico whom the Court admitted as an expert in child and adolescent psychiatry, [2-26-26 Tr. 6948:21-6949:1], testified about similar trends she has observed over the last decade. Based on her clinical practice in New Mexico and her review of academic literature, she stated: "we've seen an increase in the number of children who are really struggling with mental health conditions and the severity is very concerning." [2-26-26 Tr. 6951:1-9; *accord* 2-26-26 Tr. 7024:1-7025:7 (Cain)] Dr. Cain further testified that "we see more and more incidents of self-harming, of suicide attempts," as

well as "more and more children who are struggling with . . . eating disorders . . . who are struggling from depression, who are struggling from anxiety." [2-26-26 Tr. 6951:12-23]

19. The increasing rates of youth mental health issues in New Mexico create community-wide harms. Dr. Jean Twenge testified that rising rates of major depression, suicide, and self-harm at the population level burden entire communities, explaining that such increases "have a significant effect on the population, not just those who suffer from that but their siblings, their friends, their parents, their schoolmates." [5-7-26 Tr. 16463:14-16464:3]

20. These increasing harms to New Mexico's youth have overwhelmed the systems in place for addressing such harms. Dr. Dana Weiner, an expert in child welfare policy and improving healthcare systems for children and families, [5-12-26 Tr. 18118:7-13], testified that the capacity of New Mexico's current behavioral health system "falls short of the growing need for behavioral health services for young people," [5-12-26 Tr. 18101:13-22], and that the need for mental health treatment among New Mexico youth has "outpaced [the] capacity" of the state's existing systems, meaning New Mexico lacks adequate capacity "at this time." [5-12-26 Tr. 18152:20-18153:5]

21. Dr. Cain also observed the strain the youth mental health crisis places on New Mexico's healthcare system, testifying that healthcare providers are "drowning" and that "there is a substantial shortage of resources in New Mexico to provide mental health screening, assessment, intervention, and treatment for children and adolescents." [5-12-23 Tr. 17900:18-23, 17903:25-17904:4] She provided additional details on how this strain causes further harm to children in crisis: "[A]s we see the patterns of increasing suicide attempts, full emergency rooms with children with mental health conditions, boarding children in emergency rooms, that means they sleep in the hallways with no privacy until a psychiatric bed can open so we can keep these children safe. And we've just been inundated year after year after year." [2-27-26 Tr. 7230:25-7231:8]

C. Problematic social media use is a cause of the youth mental health crisis.

22. In 2023, the U.S. Surgeon General issued a public advisory titled "Social Media and Youth Mental Health" ("2023 Advisory") which "calls attention to the growing concerns about the effects of social media on youth mental health." [Pl. Ex. 03193 at 3] As the 2023 Advisory notes, "[a] Surgeon General's Advisory is a public statement that calls the American people's attention to an urgent public health issue," and such advisories "are reserved for significant public health challenges that require the nation's immediate awareness and action." [Pl. Ex. 03193 at 3] The 2023 Advisory states that "[u]p to 95% of youth ages 13-17 report using a social media platform, with more than a third saying they use social media 'almost constantly.'" [Pl. Ex. 03193 at 4] The 2023 Advisory also notes that "nearly 40% of children ages 8-12 use social media." [Pl. Ex. 03193 at 4]

23. Importantly, the 2023 Advisory reports that features designed to maximize engagement can harm children by encouraging problematic use and behaviors. The 2023 Advisory provides that:

> [e]xcessive and problematic use of social media can harm children and adolescents by disrupting important healthy behaviors. Social media platforms are often designed to maximize user engagement, which has the potential to encourage excessive use and behavioral dysregulation. Push notifications, autoplay, infinite scroll, quantifying and displaying popularity (i.e., "likes"), and algorithms that leverage user data to serve content recommendations are some examples of these features that maximize engagement.

[Pl. Ex. 03193 at 9]

24. In 2026, the U.S. Surgeon General issued another advisory titled "Surgeon General's Warning on the Harms of Screen Use" ("2026 Advisory"). [Pl. Ex. 07976] The 2026 Advisory stated that "[s]tudents who report frequent social media use exhibit worse overall cardiovascular

health and related behaviors, including poor diet and increased tobacco and nicotine product use." [Pl. Ex. 07976 at 17]

25. The Surgeon General's warning is consistent with witness testimony about the increasing prevalence of problematic social media use. Dr. Anna Lembke, a psychiatrist who serves as medical director of the Stanford Addiction Medicine Initiative, chief of the Stanford Addiction Medicine Dual Diagnostic Clinic, and director of the Taube Youth Addiction Initiative, [2-23-26 Tr. 5421:9-5422:10], testified that "we're seeing really an explosion of people presenting with addiction to a variety of different kinds of digital media, including social media." [2-23-26 Tr. 5423:l-4] She also confirmed that the rising rates of social media addiction are trending "not just nationwide but worldwide." [2-23-26 Tr. 5494:7-15]

D. Meta's platforms are widely used in New Mexico.

26. Meta's platforms have a significant presence in New Mexico. Dr. Zachary Ward, a witness admitted by the Court as an expert in computational decision science and health science, [2-26-26 Tr. 6860:l-5], testified that, according to Meta's internal data, between the years 2018 and 2024, New Mexico had an average of 180,116 monthly active users of Instagram between the ages 13 and 17, with the lowest number in the time frame being about 135,000 and the highest number in the time frame being just over 250,000. [2-26-26 Tr. 6864:14-6870:22] He noted that as of March 2024, the figure was 195,453 monthly active users in New Mexico between the ages of 13 and 17, and 1,030,640 monthly active users of Instagram ages 18 or older. [2-26-26 Tr. 6870:12-22]

27. Based on this evidence and testimony, the Court finds that a significant number of New Mexico residents, and particularly New Mexico teens, use Meta's platforms.

E. Meta implemented platform features that were designed to maximize engagement and time spent on its platforms, for all users and for teenage users in particular.

28. An internal presentation from May 2020 states that "Approval and acceptance are huge rewards for teens and interactions are the currency on [Instagram]. [Direct messages], notifications, comments, follows, likes, etc. encourage teens to continue engaging and keep coming back to the app." [Pl. Ex. 00362 at 54] Additionally, the presentation explicitly connected notifications to time spent: a graphic included in the presentation shows the phrase "Fewer Notifications," which is then followed by an arrow pointing to "Fewer Sessions," which is followed by an arrow pointing to "Less Time Spent." [Pl. Ex. 00362 at 74]

29. An August 2022 internal presentation titled "Late Night Use" reported that "18.3% of [Weekly Average Users] IG [Instagram] teens (over one week) exhibit behaviors associated with problematic use overall," and that "7.4% of [Weekly Average User] teens" exhibited behaviors of "[l]ate night usage during times that are likely displacing sleep for most people." [Def. Ex. 0345 at 4, 11] An internal research presentation from June 2023 titled "Youth Well-being" reported that "[p]erceived life interference from app use is highest for younger users, and tracks with age." [Pl. Ex. 01487 at 19]

30. Dr. Damon McCoy, a witness admitted by the Court as an expert in social media integrity systems, [2-12-26 Tr. 2675:8-18], offered opinions about "autoplay; endless scroll, which is basically another word for infinite scroll; and low value notifs, which means notifications," testifying that inside of Meta "they were considered dark patterns and addictive-like designs." [2-13-26 Tr. 2860:13-21] Dr. McCoy testified that Meta also internally acknowledged the addictive nature of additional design features like nudges, publicly displaying the number of "likes" on a user's post, and algorithms intended to leverage user data to recommend content. [2-13-26 Tr. 2875:14-2877:8]

F. Meta's engagement features encourage and facilitate problematic interactions between adults and children.

31. Meta's engagement-optimized platform features recommend the accounts of vulnerable children to adult sexual predators, and vice versa, if the company's recommendation algorithms predict that such recommendations are likely to lead to engagement. Adam Mosseri, the head of Instagram, testified that as Instagram has developed over the years, it has become "more sophisticated in using ranking to understand people's interests and try to connect them to content they're interested in." [3-10-26 Tr. 10179:2-16, 10168:9-11] However, Arturo Bejar, who worked as Meta's Senior Director of Engineering in charge of the Protect and Care team from 2009-2015 and as a consultant for Instagram's WellBeing Team from 2019-2021, [2-10-26 Tr. 1482:13-1483:23], noted that "the product is very good at connecting people with interests, and if your interest is little girls, it will be really good at connecting you with little girls." [2-10-26 Tr. 1524:9-12]

32. When a user engages with accounts held by children under the age of 18, the company's algorithms recommend more accounts held by children under the age of 18 and similar content to that user. For example, Meta conducted internal tests in June 2019 which found that "[u]sers that follow minors' accounts will be recommended similar accounts as well as photos of teens in explore." [Pl. Ex. 01730 at 4] The June 2019 internal document assessed inappropriate interactions with children on Instagram, and reported that "26% of the people we recommend to Groomers were Teens." [Pl. Ex. 1730 at 3] In an internal chat from October 2020, a Meta employee stated that the feature "[People You May Know] was responsible for 80% of violating adult/minor connections." [Pl. Ex. 00248 at 2]

33. The harmful engagement extends to users interacting with Meta's chatbots in a sexualized way. Dr. Brian Levine, an expert on online child exploitation, [5-6-26 Tr. 15872:14-24], testified

to how Meta's chatbots can be misused by adults and adolescents to create sexualized interactions, and the dangers of doing so to users under the age of 18. [5-7-26 Tr. 16187:4-16195:4]

G. Harm caused by Meta's products affects a significant number of people in New Mexico.

34. Significant numbers of people in New Mexico experience harm from Meta's products due to risks of sexual exploitation, interference with education, and adverse mental health outcomes.

35. Dr. Jennifer O'Brien, admitted as an expert in the field of child sexual abuse, [2-19-26 Tr. 4811:8-19], estimated that in 2023, 70,784 children in New Mexico experienced technology-facilitated sexual abuse ("TFSA"). [2-19-26 Tr. 4817:6-23] She also testified that the long-lasting harms of TFSA are suffered by children in New Mexico, and that those harms can be "extremely psychologically distressing" for children who are victimized. [2-19-26 Tr. 4837:24-4838:16]

36. Similarly, the National Center for Missing & Exploited Children ("NCMEC") testified (through its designee Fallon McNulty) that children who experience online solicitation or sexual exploitation—including children in New Mexico—can suffer "devastating and long-term impacts . . . ranging all the way to suicide." [2-24-26 Tr. 5933:5-17, 5935:3-5, 5875:1-5876:8] Dr. Cain testified that she treats New Mexico children who are "victims of sex trafficking" and noted that "we just keep seeing it more and more" because social media, including WhatsApp, enables "predators from all over the place [to] target children." [2-26-26 Tr. 7010:4-7, 7012:1-13; *see generally* 2-26-26 Tr. 7011:16-7012:18, 7013:23-7015:14 (Cain)]

37. One form of child sexual exploitation that has become increasingly common in New Mexico is sextortion, which is where an online predator threatens or coerces a child for financial gain, typically involving a threat to expose nude or exploitative imagery of that child. [2-24-26 Tr. 5885:10-21 (NCMEC)]

38. Benjamin Zwiebel, a Special Agent with the New Mexico Department of Justice in the Internet Crimes Against Children division ("ICAC"), [2-12-26 Tr. 2541:7-10], testified that ICAC "receive[s] dozens" of CyberTip reports each month regarding sextortion of New Mexico victims on Instagram. [2-12-26 Tr. 2575:13-2576:12] Special Agent Zwiebel further testified that "[t]he psychological effect of an adolescent child being sextorted is . . . a profound detriment to their mental health. It causes them fear, anxiety, shame, and depression, sometimes with tragic results." [2-12-26 Tr. 2604:5-13]

39. Increases in CyberTip reports from Meta are uniquely burdensome on New Mexico law enforcement given Meta's practice of sending reports without human review, which subsequently requires law enforcement to obtain a judicially issued warrant to review the reports' contents. [*See, e.g.*, 5-4-26 Tr. 14824:6-14827:10 (Talley) (discussing how ICAC obtains a warrant pursuant to *U.S. v. Ackerman*, 831 F.3d 1292 (10th Cir. 2016) before reviewing these reports); 2-12-26 Tr. 2595:11-23 (Zweibel)] For example, Jonathan Talley, ICAC's Commander, testified that approximately 75% of Meta's CyberTip reports for New Mexico require law enforcement to obtain a warrant (a higher rate than from reports stemming from any other platform) because of Meta's failure to use human review, resulting in resource burdens on law enforcement and the judicial system. [5-4-26 Tr. 14824:6-14827:10] He also described the significant workload burdens placed on New Mexico law enforcement by Meta's practice of sending inactionable CyberTip reports, noting that a majority of Meta's reports are "junk tips." [5-4-26 Tr. 14821:19-14824:5]

40. Witnesses from New Mexico schools testified both to the impact of social media on their students and schools and to their own personal experiences with sexual exploitation on Meta's platforms. For instance, Katherine de La Rosa Salazar, an assistant principal at Wilson Middle School in Albuquerque, testified to several instances of students at her school that were sexually

exploited. [2-9-26 Tr. 1241:16-1253:4, 1289:8-1290:9] Ms. Salazar testified that one child who was being sexually exploited "didn't go to class. She would stay in the bathroom" because of the exploitation. [2-9-26 Tr. 1244:10-1245:20] Additionally, Eric Crites, the head of school at New Mexico School for the Arts in Santa Fe, [3-2-26 Tr. 7698:18-19], testified that his son was a victim of sextortion on Instagram at age 15, which caused "very distressing" impacts on his son and "a lot of rupture in the family" in the aftermath. [3-2-26 Tr. 7713:21-7716:19]

41. Commander Jonathan Talley from the New Mexico Department of Justice testified to the community-wide impacts of sextortion or the distribution of child sex abuse materials ("CSAM"), explaining that it leads to "collateral damage" to people like parents and grandparents of the victims, and that those effects are attributable to social media. [5-4-26 Tr. 14854:13-14855:6] He also described the "burnout" effects on New Mexico law enforcement from investigating these crimes, which often requires reviewing CSAM. [5-4-26 Tr. 14808:7-14809:15, 14805:25-14806:65]

42. Dr. Weiner testified that New Mexico law enforcement lacks sufficient resources to fully investigate the volume of CyberTip reports it receives, and that New Mexico lacks sufficient resources to provide services to victims of child sexual exploitation. [5-12-26 Tr. 18140:17-18141:7, 18142:1-10] Additionally, Dr. O'Brien testified that New Mexico lacks the resources necessary to address the increasing rates of TFSA. [5-12-26 Tr. 18029:14-18030:3]

H. Although many social media platforms compete for the attention of New Mexico's youth, Meta's platforms rely on methods for optimizing engagement that disproportionately impact education and interpersonal relationships.

43. Although Meta is not alone in this regard, its social media platforms are a significant contributing factor to the current mental health crisis among New Mexico's youth established by

the substantial evidence in this case. The vast majority of New Mexico youth use social media, including Meta's platforms. [*See* Def. Ex. 03161 at 29]

44. The widespread use of social media by New Mexico children, including Meta's platforms, interferes with school operations and disturbs student learning environments. Ms. Salazar testified that students are constantly using their phones during class to check social media, preventing students from "learning the content that [they] need to be learning" and diverting teachers, as well as the classroom generally. [2-9-26 Tr. 1222:3-6, 1256:1-1258:7] Mr. Crites testified that students at his school are "glued to their phones" and that social media, and Instagram specifically, has made it "harder to educate children," describing a regular "battle for attention" in class to "engage students in whatever they're supposed to be engaging with to learn that day." [3-2-26 Tr. 7702:25-7703:16, 7718:2-5]

45. Similarly, Cheryl Coyle, former Principal of Vado Elementary School in Vado, New Mexico, testified that addressing the pervasive issues stemming from students' social media use consumes an inordinate amount of classroom and administrator time. [2-19-26 Tr. 4914:13-4916:5, 4919:12-20, 4900:4-14] Ms. Salazar testified that, based on her experience working in the New Mexico school system, schools are unable to effectively police students' use of Instagram or meet their related social and emotional needs. [2-9-26 Tr. 1269:3-5, 1294:18-22]

46. Evidence also shows that Meta's platforms are uniquely responsible for social media's negative impact on New Mexico schools. Gregory Frostad, Assistant Secretary of Education for Policy and Technology, testified that when New Mexico school superintendents raise concerns about social media's impact on their school, "it is typically Instagram[.]" [5-8-26 Tr. 17072:23-17072:10, 17073:16-19] Ms. Salazar testified that Instagram has made bullying and fighting among students worse, noting that social media, including Instagram, "exacerbates what we

already knew was there and it heightens it." [2-9-26 Tr. 1305:13-1306:22] Mr. Crites testified that when he sees students "glued to their phones . . . I see social media, Instagram more than others[.]" [3-2-26 Tr. 7702:25-7703:8] Similarly, Ms. Coyle testified that she had to spend a disproportionate amount of time during school days reporting problems to Instagram to try and support students experiencing harm: "I should be in the classroom, I should be, you know, supervising lunch, and instead of fighting with Instagram[.]" [2-19-26 Tr. 4914:13-4916:5, 4919:12-20]

47. Impacts from social media are not confined to the internet. Mr. Crites also observed that the harms caused by Meta's platforms are community-wide: "When the disruption from Instagram happens, it's always an eruption that involves a lot of people because of the design. It's designed so that everyone knows what happened if somebody posts something horrible. . . . [or] says something threatening." [3-2-26 Tr. 7718:2-15]

48. Social media's adverse impacts on the school environment are "widespread" throughout the state. [*See* 5-8-26 Tr. 17052:5-21 (Frostad)] Mr. Frostad testified that superintendents from across New Mexico report observing social media's negative effects on students, including increases of maladaptive behaviors among students. [5-8-26 Tr. 17052:5-11] He further testified that *every* school superintendent in New Mexico has reported that social media is a problem in their schools. [5-8-26 Tr. 17053:8-15]

49. In sum, the Court finds that New Mexico is in the midst of a teen mental health crisis affecting public health and public safety in and throughout the state, and that Meta's platforms are a significant contributing cause to the crisis.

I. Meta and its platforms provide a valuable service in New Mexico despite these harms, and it is not the only social media company impacting youth.

50. Meta's platforms provide a valuable service and value to many New Mexicans. Nonetheless, the Court must strive to abate the public nuisance—which has resulted in adolescent

mental health harms and sexual exploitation—without rendering Meta's entire platforms non-competitive or unfeasible.

51. The evidence in this case demonstrates that social media has many benefits, such as helping people connect with friends and family. [*See*, *e.g.*, 2-27-26 Tr. 7225:11-14 (Cain); 2-19-26 Tr. 4904:1-11 (Coyle); Def. Ex. 01045 at 93] It also helps members of marginalized communities form and build online communities based on connections and shared interests, especially when members of those communities might not have access to supportive or even safe communities offline. [2-12-26 Tr. 2452:22-25 (Boyle); 3-11-26 Tr. 10882:22-10883:16 (Otaru)] It is also a source of news, educational content, and entertainment. [Def. Ex. 01045 at 93] Meta's services in particular help small businesses grow by allowing them to reach more customers. [2-12-26 Tr. 2451:7-10 (Boyle)]

52. Meta is not the only social media company operating in New Mexico, and it shares responsibility for harms attributed to social media with other companies, such as Snapchat, TikTok, YouTube, and X. The State's Rule 1-030(B)(6) NMRA designee, Krystal Adams, identified Snapchat, TikTok, YouTube, X, Reddit, and Discord, among others, as companies that also have contributed to any adverse effect suffered by a New Mexico consumer. [5-20-26 Tr. 20320:7-20 (Deposition of Krystal Adams, played into the record 5-20-26 Tr. 20291:24-20333:19)] Snapchat is the primary platform used by criminals to carry out sextortion. [5-20-26 Tr. 20307:4-8 (Adams Deposition)]

53. Additionally, teenagers in the United States use other apps more frequently than Facebook and Instagram. A Pew Research study from 2024 found that 50% of U.S. teenagers used Instagram daily, and only 20% used Facebook daily. [Def. Ex. 05497 at 6] Meanwhile, 73% of U.S. teenagers used YouTube and 57% used TikTok daily. [*Id.*] A study from the National Academies of

Sciences, Engineering, and Medicine likewise found that 95% of teenagers had ever used YouTube, while 62% and 32% said the same of Instagram and Facebook, respectively. [Def. Ex. 01045 at 67]

J. Meta knowingly designed its platforms to maximize engagement, including in ways that are harmful to teenagers, and does not adequately disclose the risks of harm to its users.

54. As outlined above, the 2023 Advisory noted that adolescents face a heightened risk of a social media platform impacting their brain development. [Pl. Ex. 03193 at 3-5, 9] Further, social media platforms use engagement-maximizing features, such as "[p]ush notifications, autoplay, infinite scroll, quantifying and displaying popularity (i.e., 'likes'), and algorithms that leverage user data to serve content recommendations." [Pl. Ex. 03193 at 9]

55. The 2026 Advisory found that "[s]creen use is most likely to harm children and adolescents" when it "[i]s designed to increase use, with features like . . . infinite scrolls, auto play, and algorithmic feeds." [Pl. Ex. 07976 at 11]

56. Meta "was aware that addiction and problematic use was a concern on the platform." [5-5-26 15240:22-24 (Lubin); *accord* 2-23-26 5581:12-25, 5602:23-5603:1 (Lembke)] Dr. McCoy testified that Meta knew that its addictive design features led to harms among its users: "Meta had knowledge that, you know, their products were, you know, basically Attention-Capture Damaging Patterns and the harms that come from using these Attention-Capture Damaging Patterns and implementing them in the design of their features." [2-13-26 Tr. 2873:11-16] And various witnesses testified to an internal report that demonstrated that Meta was aware, as early as 2018, that its features such as autoplay, endless scroll, low-value notifications, and count updates were "addictive-like." [*See* Feb. 13 Trial Tr. at 2857:23-2864:8 (McCoy); 2-23-26 Tr. 5594:20-5597:19 (Lembke); 5-5-26 Tr. 15240:9-15246:15 (Lubin)]

57. A core design feature of Meta's social media platforms is their use of recommendation algorithms. As explained by Dr. Arvind Narayanan, a witness admitted by the Court as an expert in social media algorithms, [2-17-26 Tr. 3550:18-25], social media recommendation algorithms "[are] involved in selecting and ranking items that are going to be shown to users" and do so "based on goals that are set for the algorithm by the developers of the system." [2-17-26 Tr. 3555:20-25] Dr. Narayanan further testified that these recommendation algorithms "play a very central role in how Meta's apps work," and "Meta collects a lot of data about users as they engage with its apps. And it's this large collection of data that allows Meta's algorithms to be able to predict moment to moment what it is that a user might be most likely to engage with." [2-17-26 Tr. 3556:1-6, 3556:22-3557:7]

58. Meta uses engagement-maximizing recommendation algorithms for all users, including teens. [2-17-26 Tr. 3573:15-17, 3581:15-3582:16 (Narayanan)] Meta acknowledged in an internal research presentation from June 2023 that "[t]eens have worse integrity experiences than adults" [Pl. Ex. 01487 at 42] and "[t]een ranking is especially driven by engagement terms." [Pl. *Id.* at 44]

59. Notably, while Meta optimizes its recommendation algorithms to maximize engagement and time spent, that is not the only way such algorithms can be designed. As Dr. Narayanan explained, "[w]hen you're optimizing for a metric, the algorithm uses all of that data to get better over time. Right now it's getting better at showing engaging content. It could get better at these integrity goals[.]" [2-17-26 Tr. 3732:5-9] For instance, Dr. Narayanan testified that:

> Meta could optimize for educational goals. It could incorporate safety and well-being goals more closely in its optimization. It could ask users more often what they truly value. It could minimize the role of these implicit signals or base or impulses in the way that Meta takes in signals for optimization. It could measure value over the long run instead of very short-term experiments, which I found was the common practice at Meta. That is just a few of the things that Meta could be doing differently.

[2-17-26 Tr. 3672:21-3673:7]

60. Meta had information that teens' developing brains diminish their capacity for sound judgment and emotional regulation, making them especially vulnerable to addictive use of Meta's platforms and the addictive effects of the platforms' engagement-maximizing features. For example, an internal presentation from May 2020 titled "Teen Fundamentals," which provided "a synthesis of adolescent development concepts, neuroscience[,] as well as nearly 80 studies of our own product research," stated that "[t]he teenage brain is usually about 80% mature," and that "[t]he remaining 20% rests in the frontal cortex," which is responsible for "[j]udgment," "[p]lanning," and "[f]oresight." [Pl. Ex. 00362 at 11] The "Teen Fundamentals" research presentation further stated that "[t]eens' decisions and behavior are mainly driven by emotion, the intrigue of novelty and reward. . . . While these all seem positive, they make teens very vulnerable at the elevated levels they operate on. Especially in the absence of a mature frontal cortex to help impose limits on the indulgence in these." [Pl. Ex. 00362 at 12]

61. Based on the evidence in the record, the Court finds that Meta implemented platform features that were designed to optimize engagement, and that these features were and are harmful to teenagers. [*See, e.g.* 2-17-26 Tr. 3573:15-17, 3581:15-3582:16 (Narayanan) (outlining how Meta's algorithm uses engagement-maximizing recommendation algorithms); 2-23-26 Tr. 5468:22-5470:15 (Lembke) (describing how children are "uniquely vulnerable" to harm on social media because their brains are still developing)]

62. The risks of harm in Meta's platforms are not adequately communicated to its users. Although Meta publishes Community Standards Enforcement Reports ("CSERs"), which outline the "prevalence" of violations to Meta's community standards, [*see, e.g.*, 2-10-26 Tr. 1707:14-1714:9 (Bejar) (describing CSERs generally)], the Court finds that these are insufficient to disclose

to the public and to New Mexicans the risks of Meta's platforms to youth users and to correct the misrepresentations Meta has made about its platforms.

63. Demonstrations during the trial confirmed that CSERs are not easily accessible on Meta's platforms. For example, the CSERs on https://www.meta.com are located in Meta's "Transparency Center," but there is no direct link from the home page of Meta's website to the "Transparency Center." [5-22-26 Tr. 21299:5-21300:1, 21300:22-21301:10] And on the app, a user must click on the "hamburger" icon; then click "help;" and then click on the "community guidelines button." [5-22-26 Tr. 21304:7-21306:21] There is no direct disclosure or link to the CSERs at sign up or sign on for an individual user.

64. Further, Nathaniel Lubin, admitted as an expert in abatement on social media platforms, [5-5-26 Tr. 15221:9-19], testified that "CSERs are assessing Meta's own compliance with its own ability to detect problems, as opposed to the reality prevalence of those problems." [5-5-26 Tr. 15314:6-11] This means that CSERs are "not a sufficient" indicator for teenagers "to know what the real prevalence of users experience with these particularly relevant points like suicide and eating disorders and sexual exploitation." [5-5-26 Tr. 15314:11-22 (Lubin)]

K. Meta's conduct is a cause of and significantly contributes to the youth mental health crisis in New Mexico.

65. Based on the evidence presented in Phase 1 and Phase 2 of the proceedings and the parties' arguments, the Court finds that Meta's platforms are a cause of and have substantially contributed to a public nuisance in New Mexico, and is required to abate that public nuisance, to the extent of its contribution.

66. Ample evidence describes the relationship between social media, including Meta's platforms, and youth mental health. The 2023 Advisory detailed how frequent social media use may affect brain development. [Pl. Ex. 03193] The 2023 Advisory noted that adolescents face

heightened risks of these impacts and that harms can also stem from the use of engagement-maximizing features (e.g., "[p]ush notifications, autoplay, infinite scroll, quantifying and displaying popularity (i.e., 'likes'), and algorithms that leverage user data to serve content recommendations"). [Pl. Ex. 03193 at 3-5, 9] Relatedly, the 2026 Advisory explains, "[i]ncreased screen-related distraction (technoference) may reduce opportunities for social interaction, particularly in younger children. Adolescents who use media during face-to-face interactions tend to have lower feelings of mental well-being." [Pl. Ex. 07976 at 16]

67. One aspect of social media's harm to youth mental health and wellbeing is problematic use. Significant evidence demonstrates increasing prevalence of problematic social media use. Dr. Lembke—a psychiatrist who is medical director of the Stanford Addiction Medicine Initiative, chief of the Stanford Addiction Medicine Dual Diagnostic Clinic, and director of the Taube Youth Addiction Initiative [2-23-26 Tr. 5421:9-5422:10]—testified that "we're seeing really an explosion of people presenting with addiction to a variety of different kinds of digital media, including social media" and that rising rates of social media addiction are trending "not just nationwide but worldwide." [2-23-26 Tr. 5495:7-15; *accord* Pl. Ex. 03193 at 3-5, 9 (2023 Advisory)]

68. Dr. Cain confirmed that these trends are present in New Mexico, stating that she sees problematic social media use or addiction in the children she treats, and particularly with Instagram. [2-26-26 Tr. 6961:12-13, 6986:2-5, 6988:2-3] Meta's internal data confirms that New Mexico teens demonstrate problematic use, with the top 1% in terms of time spent on Facebook spending at least 290 minutes—nearly five hours—*per day* on that platform alone. [5-5-26 Tr. 15286:18-15288:10 (Lubin)]

69. Increasing use of social media, including Meta's platforms, has led to increasing harms to youth mental health and wellbeing. In 2023, New Mexico high school students who used social media more than once per hour, when compared to students who used social media less frequently, were: 25% more likely to have attempted suicide; 38% more likely to be injured in a suicide attempt; 17% more likely to have symptoms of anxiety; 23% more likely to have persistent feelings of sadness or hopelessness; and 36% more likely to have symptoms of depression. [Pl. Ex. 07744 at 14; *see also* Pl. Ex. 01797 (Pell stating that 27.8% of "child suicide deaths (ages 5-17) in New Mexico" involved "social media/technology related concerns" between 2020-2022)]

70. Dr. Twenge likewise testified that time series studies at the population level establish that teens spending more time on social media leads to a higher likelihood of symptoms of depression. [5-7-26 Tr. 16438:20-16439:6] Dr. Twenge testified that most longitudinal studies confirm that adolescents' social media use leads to depression, [5-7-26 Tr. 16448:19-21], and that experimental studies show that people who eliminate or reduce social media are less lonely and depressed, which further confirms the causal path between social media and teen mental health harms. [5-7-26 Tr. 16449:18-5]

71. This evidence aligns with testimony of mental health practitioners. Dr. Cain testified that "over the years that we have seen this grouping of mental health conditions on the rise in adolescents and found that social media bears a strong role in worsening these conditions." [2-26-26 Tr. 6950:10-21] Screening procedures recently implemented by Dr. Cain's clinic revealed that social media plays a significant role in the mental health conditions of about 30% of the children treated. [5-11-26 Tr. 17636:1-17637:13]

72. Dr. Ward provided statistical measurements of social media's impact on youth mental health in New Mexico based on an analysis of NM YRRS data from 2023 that accounted for

confounding factors available in the NM YRRS data, as well as his review of medical literature that prioritized strong study designs. [*See* 5-8-26 Tr. 16913:9-16920:22, 16927:3-16932:17] Dr. Ward's analysis measured social media's causal impact on the mental health of New Mexico's youth population: 1 in 10 children in New Mexico ages 11-17 have at least one mental health concern that would not have existed but for their social media exposure. [5-8-26 Tr. 16947:2-16948:8] He also measured the extent to which mental health issues among New Mexico youth issues were attributable to social media, as opposed to other factors: of the New Mexico children ages 11-17 who have at least one mental health concern, 21% would not have had that mental health concern but for their social media use. [5-8-26 Tr. 16946:23-16947:9]

73. Additionally, Dr. Ward detailed the widespread occurrence of specific mental health concerns among New Mexico teens because of social media:

- "26 percent of youth in New Mexico who have symptoms of depression would not have had those symptoms but for social media exposure." [5-8-26 Tr. 16922:18-16923:5]

- Among New Mexico middle school and high school students, "20 percent of them who have symptoms of anxiety would not have had that but for their social media exposure." [5-8-26 Tr. 16932:3-7]

- "When you look at all youth in middle school and high school in New Mexico, the attributable fraction or the proportion of kids who have sleep deprivation, less than 8 hours, is 15 percent [who] would not be experiencing sleep deprivation but for their social media exposure." [5-8-26 Tr. 16935:7-13]

- "[W]hen you combine across middle school and high school boys and girls, 22 percent of youth who have at least one risk factor for suicide would not . . . have those risk factors but for their social media exposure." [5-8-26 Tr. 16939:25-16940:4]

- "[A]cross all middle schoolers [in New Mexico], 40 percent of kids who are experiencing disordered eating behaviors would not be experiencing that but for their social media exposure." [5-8-26 Tr. 16945:3-13]

74. The Court finds Dr. Ward's analysis and conclusions to be reasonable and consistent with the evidence presented by other witnesses. Meta's expert witness Dr. Justin McCrary criticized Dr. Ward's analysis, but Dr. McCrary's own presentation of the data was incomplete and the Court finds that Dr. McCrary's testimony is insufficient to undermine Dr. Ward's more thorough analysis. [*See, e.g.*, 5-21-26 Tr. 20939:16-19, 20940:10-20971:71 (McCrary)]

75. Testimony also shows that social media platforms, including Meta's, bear responsibility for the current youth mental health crisis in New Mexico. For example, Dr. Cain noted that while self-harm among children in New Mexico is "not new," "we're seeing it a lot more and . . . we're seeing different ways of self-harming that we didn't see." [2-26-26 Tr. 6994:6-18] Similarly, Ms. Miller testified that since the creation of social media, the pervasiveness of suicide and self-harm in New Mexico "has been amplified" throughout the state, noting that social media increases risk factors for suicide and self-harm in New Mexico communities. [5-4-26 Tr. 14759:3-20, 14762:21-14763:14] In training sessions that Ms. Miller conducted with New Mexico students, the students listed "Cyber bullying," "Sextortion," "Getting addicted," and "Bad for mental health" among the "Cons" of social media. [Pl. Ex. 02648]

76. Dr. Cain specifically attributed the shortage of healthcare resources to "the impacts of social media on our children." [5-12-26 Tr. 17900:18-17901:9] The capacity of New Mexico's healthcare system is so outpaced by the needs of youth with conditions associated with social media use that it does not have enough of *any* of the following providers or programs to serve this population: child and adolescent psychiatrists; primary care physicians; psychiatric mental health nurse practitioners; social workers; mental health technicians; community health workers; clinical support staff; behavioral health providers; school-based health centers; intensive outpatient

programs; inpatient facilities; residential treatment facilities; or post-acute care residential programs. [5-12-26 Tr. 17903:25-17906:6 (Cain)]

77. Expert testimony supports a causal link between social media and the youth mental health crisis in New Mexico. Dr. Twenge testified that, based on her review of the totality of the evidence, "social media use is a substantial contributing factor" in causing mental health outcomes such "as depression, anxiety, suicide, self-harm, and sleeping disorders" at the population level. [5-7-26 Tr. 16509:22-16510:13] She also confirmed that Meta's platforms, specifically, are a substantial contributing factor to these mental health harms. [5-8-26 Tr. 16863:3-12] Dr. Ward testified that, based on his review of New Mexico data and academic literature, social media is a substantial contributing factor to mental health harms among youth in New Mexico, including depression, anxiety, suicide risk factor, and disordered eating. [5-8-26 Tr. 16881:7-20, 16949:13-22] He noted that "a large number of youth . . . would not have had these harms but for their social media exposure." [5-8-26 Tr. 16949:13-22] Mr. Pell testified that, based on his review of New Mexico data and academic literature, social media, including Facebook and Instagram, is a significant contributing factor to the mental health crisis in New Mexico. [5-11-26 Tr. 17418:12-17419:25] Dr. Cain testified that social media use is a substantial contributing factor to the mental health crisis in New Mexico. [5-11-26 Tr. 17651:5-18]

78. Meta presented testimony from expert witnesses—including Drs. Laurence Steinberg, Randy Auerbach, and Michael Baiocchi (none of whom treat patients on a regular basis). [5-20-26 Tr. 20507:9-11 (Meta calling Steinberg); 5-21-26 Tr. 20844:2-9 (Steinberg); 3-12-26 Tr. 11251:9-11, 11358:2-6, 11366:7-15 (Auerbach); 5-20-26 Tr. 20333:24-20334:1, 20376:2-5 (Baiocchi)] Although these witnesses opined that scientific studies do not definitively establish that social media causes mental health harms, [*see, e.g.*, 5-21-26 Tr. 20744:21-20745:8

(Steinberg); 5-20-26 Tr. 20428:12-18 (Auerbach); 5-20-26 Tr. 20341:21-20342:5 (Baiocchi)], the Court finds that the restrictive analysis applied by those witnesses fails to consider the full scope of relevant evidence and is inconsistent with the extensive record developed at trial. The Court finds that the more appropriate analysis here is to consider the evidence as a whole, as Dr. Twenge, Dr. Ward, and Mr. Pell have done. [*See, e.g.*, 5-7-26 Tr. 16450:9-18 (Twenge); 5-8-26 Tr. 17006:10-17007:10 (Ward); 5-11-26 Tr. 17423:23-17424:14 (Pell); 5-11-26 Tr. 17650:7-21 (Cain)]

79. The Court finds that the weight of the evidence presented demonstrates that Meta's platforms are a cause of and substantial contributing factor to the youth mental health crisis in New Mexico.

CONCLUSIONS OF LAW

80. During the Phase 2 portion of the trial proceedings, Meta helpfully analogized to a polluting factory in order to argue the limitations on equitable relief that can be granted by this Court.[1] Essentially, Meta argued that, if a factory was emitting pollution into the air and that a community was being harmed thereby, the appropriate abatement measure is one which requires the factory to stop the emissions and cure the existing harm. This limitation was contrasted with inappropriate abatement measures, such as ordering the closure or demolition of the factory, enjoining or obstructing the production function of the factory, or requiring the factory owner to treat community health issues that are not causally related to the factory's emissions well into the future. Finally, Meta argued that the Court must consider rights common to the public, as opposed to more

[1] The Court is aware that this analogy may not weather as well as the *ferae naturae*, migratory wild animal, analogy used in relation to oil and gas extraction in *Hammonds v. Central Kentucky Natural Gas Co.*, 75 S.W.2d 204 (Ky. 1934), *overruled on other grounds by Texas American Energy Corp. v. Citizens Fidelity Bank & Trust Co.*, 736 S.W.2d 25 (Ky. 1987).

isolated private rights, in determining whether a public nuisance exists, rather than numerous potential individual injury claims. This Court agrees with Meta's argument and applies both the polluting factory analogy and the public right element to its analysis of this case.

81. Applying the factory analogy and the public right element to the present case, the Court finds and concludes, on the basis stated more specifically elsewhere in this decision, that the effects of Meta's activities constitute a public nuisance such that abatement is an appropriate remedy. The Court considers Meta's platforms to be analogous to the factory, the advertising and other content displayed on those platforms to be what is produced by the factory, and the psychological harm to and sexual exploitation of children to be the pollution that must be abated. With regard to the public right element, the Court finds and concludes that, just as noxious pollution produced by the factory can harm the common public right to reasonably clean air, the harmful effects of Meta's platforms on children do not stay contained by its platforms and, instead, migrate to the internet as a whole and, perhaps most concerning, to the real world and create a common, societal burden on and harm to the affected children and their families and schools, as well as hospitals and law enforcement.

82. This decision does not seek to close or demolish Meta's platforms, enjoin specific advertising or content (which the Court is also mindful is protected by the First Amendment and 47 U.S.C. Section 230 of the federal Communications Decency Act (CDA)), or require Meta to cure causally disconnected harms. Rather, this decision seeks to address existing harms created by Meta's platforms and to prevent future harm to children and future burdens on New Mexico, in general, that would otherwise be caused by Meta's platforms. It is this Court's conclusion that Meta is a cause of and has substantially contributed to a public nuisance in New Mexico, and is required to abate that public nuisance to the extent of its contributions.

A. Public nuisance in New Mexico

83. The State brought its action to abate a public nuisance under both NMSA 1978, Section 30-8-1 (1963) and common law. The public nuisance statute provides that:

> A public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:
>
> A. injurious to public health, safety, morals or welfare; or
>
> B. interferes with the exercise and enjoyment of public rights, including the right to use public property.

Id.

84. The public nuisance statute is enforceable through a civil action for abatement. NMSA 1978, § 30-8-8(B) (1963). A court can order injunctive relief when an act is "(1) declared by statute to be a nuisance per se, (2) in the absence of a statute the act would constitute a common law nuisance per se, [or] (3) because of the time, place, or circumstances involved, an act may cause irreparable injury to the public health, morals, safety, or welfare." *State v. Davis*, 1958-NMSC-138, ¶ 6, 65 N.M. 128 (internal citations omitted).

85. The common elements of the statutory and common law public nuisance claims, in the context of this case, are whether Meta has unreasonably interfered with a right common to the general public. "Common law and statutory public nuisance are similar concepts in New Mexico, both described as an unreasonable interference with a right common to the general public." *City of Sunland Park v. Harris News, Inc.*, 2005-NMCA-128, ¶ 40, 138 N.M. 588 (internal quotation marks omitted). New Mexico courts define a public right as "one common to—belonging to—'all members of the general public.'" *State ex rel. Vill. of Los Ranchos de Albuquerque v. City of Albuquerque*, 1994-NMSC-126, ¶ 52, 119 N.M. 150 [hereinafter *Los Ranchos*] (citing Restatement (Second) of Torts § 821B (1979) cmt. g). "In New Mexico, the public nuisance statute applies to anything affecting any number of citizens," which Courts have interpreted to mean "a considerable

number of people or an entire community or neighborhood." *Id.* (internal quotation marks omitted). The New Mexico Court of Appeals recently explained that "[a]s the law [on the definition of 'affecting any number of citizens'] developed, however, our Supreme Court expressed a broader and more nuanced view that '[i]t is not . . . necessary that the entire community be affected by a public nuisance, so long as the nuisance will interfere with those who come in contact with it in the exercise of a public right or it otherwise affects the interests of the community at large." *See State ex rel. Bigney v. City of Rio Rancho*, ___-NMCA-___, ¶ 16, ____P.3d_____ (A-1-CA-40664, Jan. 16, 2025) (quoting *Los Ranchos*, 1994-NMSC-126, ¶ 52).

86. The key distinction between statutory and common law claims for public nuisance is that the statute requires a finding that the actor causing the public nuisance did so "knowingly" and "without lawful authority." *Compare* § 30-8-1, *with Espinosa v. Roswell Tower, Inc.*, 1996-NMCA-006, ¶ 9, 121 N.M. 306.

87. "The concept of public nuisance is further divided into nuisances per se and nuisances in fact. A nuisance per se . . . is an activity, or an act, structure, instrument, or occupation which is a nuisance at all times and under any circumstances, regardless of location or surroundings." *Los Ranchos*, 1994-NMSC-126, ¶ 53 (internal quotation marks omitted). A nuisance in fact "is usually defined as an activity or structure which is not a nuisance by nature, but which becomes so because of such factors as surroundings, locality, and the manner in which it is conducted or managed." *Id.*

88. Equitable relief for public nuisance is intended to abate an existing ongoing harm or risk of harm. In order to award equitable relief for a public nuisance, New Mexico courts require a finding that the harm is a highly probable result of the defendant's actions. "One distinguishing feature of equitable relief is that it may be granted upon the threat of harm which has not yet occurred." *Id.* ¶ 58 (citing W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 89, at

640–41 (5th ed. 1984)). "The defendant may be restrained from entering upon an activity where it is highly probable that it will lead to a nuisance, although if the possibility is merely uncertain or contingent he may be left to his remedy of damages until after the nuisance has occurred." *Id.*; *see also Phillips v. Allingham*, 1934-NMSC-047, ¶ 27, 38 N.M. 361 (holding that where "apprehended dangers relied upon to constitute the thing challenged a nuisance are 'doubtful, eventual, or contingent,' rather than necessary results," permanent injunction was inappropriate), *holding limited on other grounds by Sundance Mech. & Util. Corp. v. Atlas*, 1990-NMSC-031, ¶ 24, 109 N.M. 683. The reasoning by New Mexico courts is consistent with the Restatement (Second) of Torts, which provides that injunctive relief, unlike damages, is intended to be prospective. "[A]n award of damages is retroactive, applying to past conduct, while an injunction applies only to the future." Restatement (Second) of Torts § 821B, cmt. i.

89. Thus, the Court considers remedial measures for harms shown by the evidence to be currently ongoing, and for highly probable risks of harm.

B. Meta's platforms interfere with public rights in New Mexico.

90. Meta's platforms and its conduct related to those platforms cause harms that significantly interfere with public safety, public peace, and public comfort. Those harms are of a continuing and long-lasting nature, and Meta has interfered with a public right and shared public resources. While Meta focuses on the fact that its platforms and services are private, evidence before the Court established that harms caused by its platforms negatively impact public spaces, functions and institutions, including public schools, hospitals, and law enforcement. The New Mexico Court of Appeals recognizes that an action may become a public nuisance when its impacts spread into the public sphere.

> A public right is one common to all members of the general public. . . . Thus the pollution of a stream that merely deprives fifty or a hundred lower riparian owners

> of the use of the water for purposes connected with their land does not for that reason alone become a public nuisance. If, however, the pollution prevents the use of a public bathing beach or kills the fish in a navigable stream and so deprives all members of the community of the right to fish, it becomes a public nuisance.

State ex rel. Smith v. Riley, 1997-NMCA-063, ¶ 8, 123 N.M. 453 (quoting Restatement (Second) of Torts § 821B cmt. g).

91. As Meta pointed out in its proposed findings of fact and conclusions of law, New Mexico courts have recognized a public nuisance in cases involving interferences with shared public resources, including *Los Ranchos*, 1994-NMSC-126, ¶ 11 (addressing whether a bridge the City proposed to build over the Rio Grande was a public nuisance); *Barrett v. Lopez*, 1953-NMSC-107, ¶ 3, 57 N.M. 697 (addressing whether a dance hall whose patrons brought littering, "offensive odors," and noise, among other things, to the area was a public nuisance); *Mahone v. Autry*, 1951-NMSC-006, ¶ 4, 55 N.M. 111 (describing how a district court concluded a horse corral in a residential area that brought "noise, odor, excessive number of animals, uncleanliness, flies and unusual filth" was a public nuisance); *Town of Clayton v. Mayfield*, 1971-NMSC-061, ¶ 3, 82 N.M. 596 (affirming that a junk yard that would create "a great deal of smoke" in common air was a public nuisance); *Riley*, 1997-NMCA-063, ¶ 8 (discussing how water pollution that interferes with "the right to fish" in a navigable stream could be a public nuisance); *State ex rel. N.M. Water Quality Control Comm'n v. City of Hobbs*, 1974-NMSC-064, ¶¶ 12-15, 86 N.M. 444 (concluding that the operation of a sewage treatment plant that contaminated underground water constituted a public nuisance). *See* Defendant's Post-Trial [Proposed] Findings of Fact and Conclusions of Law, ¶¶ 117-130, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. June 12, 2026).

92. The evidence shows that the youth mental health crisis in New Mexico has adverse impacts on persons and public resources throughout the state. These impacts include feature-connected

mental health conditions that afflict tens of thousands of teens and children throughout the state, the adverse effects of these conditions on their families and communities, and the disruptive effect of these conditions on the school environments in which they are educated and socialized and on the law enforcement and health services systems tasked with ensuring their wellbeing. These widespread adverse impacts upon persons and their access to public resources throughout the state create a public nuisance under New Mexico law.

C. Meta's platforms injure the public health, safety, and welfare in New Mexico.

93. In addition to interfering with New Mexico's public resources, Meta has also engaged in an activity that injures the public health, safety, and welfare in New Mexico.

94. The New Mexico Supreme Court has recognized that abatement for public nuisance is the appropriate remedy for harm to a community due to the unskilled practice of medicine, as such activity threatens the health and lives of an entire community:

> This is not to say that in a trial upon the facts, the mere showing of illegal practice warrants injunction. Nevertheless, if carried on from day to day among the people generally by one unskilled in and ignorant of its fundamentals, who prescribes drugs, dangerous as well as harmless, and directs treatment for all manner of ills, physical or mental, which the flesh is heir to, it requires little imagination to foresee the most serious consequences to the public thus served. The health and lives of the people of a whole community become jeopardized. The practice of such a person falls easily under the definition of a public nuisance.

State ex rel. Marron v. Compere, 1940-NMSC-041, ¶ 14, 44 N.M. 414.

95. Critically, the *Compere* Court determined that an injunction was appropriate because the unskilled practice of medicine presented a community-wide threat to the health and lives of the people within that community. *Id. Compere* includes no discussion of connection to a physical space or piece of land, and indeed, connection to land is not an element of a public nuisance in New Mexico. New Mexico courts' interpretation of public nuisance is consistent with the Restatement (Second) of Torts, which provides that "[u]nlike a private nuisance, a public nuisance

does not necessarily involve interference with use and enjoyment of land." Restatement (Second) of Torts § 821B, cmt. h. There is no exclusive requirement that the public nuisance interfere with the community's right to use a public resource or space in order for abatement to be an available remedy. Rather, the inquiry focuses on the nature of the harm, and its impact on the community.

96. Here, the evidence developed at trial reflects that Meta operates its platforms in a manner that injures community-wide youth mental health and safety. Meta's platforms are designed to capture attention, including by taking advantage of teenagers' developing brains and encouraging problematic use. Even without the evidence and testimony that certain percentages of youth with mental health conditions would not have those conditions but for social media use, the highly probable result of Meta's engagement optimization practices, including employing features that quantify popularity and encourage use at all hours of the day, is that such practices would increase anxiety, depression, and sleep deprivation among teenagers. These practices affect a significant number of people within New Mexico and are community-wide. Therefore, in addition to interfering with public resources, the way that Meta's platforms are currently operated create a public nuisance by jeopardizing the health, safety, and welfare of the whole community.

D. Meta is required to abate the public nuisance to the extent of its contribution.

97. Meta is a cause of and has substantially contributed to a public nuisance in New Mexico and is required to abate that public nuisance. In reaching this conclusion, the Court considers instructive the Uniform Jury Instruction on causation, which provides as follows:

> An [act] [or] [omission] [or] [_____ (*condition*)] is a "cause" of [injury] [harm] [_____ (*other*)] if[, unbroken by an independent intervening cause,] it contributes to bringing about the [injury] [harm] [_____ (*other*)] [, and if injury would not have occurred without it]. It need not be the only explanation for the [injury] [harm] [_____ (*other*)], nor the reason that is nearest in time or place. It is sufficient if it occurs in combination with some other cause to produce the result. To be a "cause", the [act] [or] [omission] [or] [_____ (*condition*)],

> nonetheless, must be reasonably connected as a significant link to the [injury] [harm].

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98. The Court additionally considers the reasoning in *People v. ConAgra Grocery Products Co.*, a California case, and finds it persuasive. *See People v. ConAgra Grocery Prods. Co.*, 227 Cal. Rptr. 3d 499, 549 (Cal. Ct. App. 2017). In *ConAgra*, the state government brought a public nuisance action against several companies that produced lead-based paint. *Id.* at 525. The companies argued that they could not be held liable for creating a public nuisance except in proportion to their individual contributions. *Id.* at 549. The California court concluded that the fact that other companies contributed to a public nuisance did not relieve any one company of liability. *Id.* The court reasoned that "[p]roportionality is not a causation issue. Defendants may be held liable for a public nuisance that they assisted in creating if their wrongful promotions were a substantial factor in the creation of that public nuisance." *Id.*

i. The fact that other social media companies also contribute to the existing public nuisance does not relieve Meta of its obligation to abate the public nuisance.

99. Meta's platforms, Facebook and Instagram, are not the social media platforms that teenagers in New Mexico use most. Many social media platforms compete for the attention of teenagers in New Mexico, particularly YouTube and TikTok. However, the Court's concern is not just how often New Mexico youth use social media, but whether that use is problematic. Specifically, the Court considers whether the use is amplifying bullying and fighting, whether it is keeping teenagers from sleeping or from paying attention in class, and whether it is exposing them to predators and sextortionists. Educators who testified in this proceeding emphasized that Instagram, more than other platforms, is the platform that most impacts their students and their work. The Court heard from Eric Crites, Gregory Frostad, and Katherine de la Rosa Salazar that

Instagram is the largest source of problems that they see in New Mexico schools. While YouTube, TikTok, and other platforms also engage teenagers, Instagram and Facebook are unique in their emphasis on interpersonal relationships.

100. Here, the evidence is conclusive that Facebook and Instagram are major social media companies that are widely used both in New Mexico and all over the nation and world. Meta's platforms create a public nuisance because their purpose and effect is to optimize engagement, including in ways that are detrimental to teenagers' health and safety, and in ways that affect public resources. The fact that other companies also have platforms that optimize engagement does not relieve Meta of liability, because Meta's platforms remain a cause of and substantial factor in creating the public nuisance. The evidence does not show that any other company's actions were an independent, intervening cause for the harm. Instead, the evidence shows that Meta acted in combination with other social media companies to create a public nuisance. In continuing to apply Meta's factory analogy, Meta's platforms substantially contribute to the emissions that create risks of harm to the surrounding community, including risks of sexual exploitation and psychological harm. The fact that other companies also operate social media is not a defense to liability. The Court therefore concludes that Meta is liable for abating the public nuisance because it is a cause of and has substantially contributed to the activity that causes the public nuisance.

ii. Meta is liable for abating the public nuisance even though social, environmental, and other factors also injure New Mexico teenagers' mental health.

101. Additionally, Meta has argued that multiple factors contribute to adverse mental health outcomes for New Mexico teenagers, and the Court agrees that the evidence reflects that New Mexico youth face challenges due to multiple existing conditions in the state. However, the fact that a number of factors imperil youth mental health in New Mexico does not mean that harm cannot be attributed to Meta's platforms, nor that existing harm cannot be worsened. In reaching

this conclusion, the Court considers analogous the "eggshell plaintiff rule" from injury and employment law. "[T]he eggshell plaintiff" is one who is "unusually susceptible to injury or likely to be harmed. The defendant must take the plaintiff as he finds him." *Salopek v. Friedman*, 2013-NMCA-087, ¶ 20, 308 P.3d 139 (internal quotation marks, brackets, and citation omitted), *overruled on other grounds by Siebert v. Okun*, 2021-NMSC-016, ¶ 15, 485 P.3d 1265; *Molinar v. Larry Reetz Constr., Ltd.*, 2018-NMCA-011, ¶ 22, 409 P.3d 956 ("[T]he employer takes the employee as it finds that employee."). The Court determines that Meta is responsible for the results of its actions, even if "the consequences are more serious than they would have been, had the injured person been in perfect health." *Salopek*, 2013-NMCA-087, ¶ 20 (internal quotation marks omitted). The fact that New Mexico teenagers may, in general, experience threats to their mental health and safety more than teenagers in some other states does not relieve the creator of a public nuisance of its responsibility to abate the harm it causes.

102. The harm to the impacted New Mexicans is not doubtful, eventual, or contingent, but an immediate, temporally connected, and highly probable result of Meta's actions. The youth mental health crisis has inflicted significant and widespread harm in New Mexico in terms of the number of youth suffering mental health harms, the profound suffering they and those in their families suffer, and the resulting interferences with the functioning of the schools, law enforcement, and healthcare systems in New Mexico.

iii. Meta's conduct was unreasonable and without lawful authority, including what the Phase 1 jury found to be 75,000 violations of the UPA.

103. The Court finds the Restatement (Second) of Torts persuasive in considering the jury award against Meta as evidence of the unreasonableness of Meta's interference with public rights and injuries to public safety, health, and welfare. Meta's conduct is proscribed by statute, and as described in Restatement (Second) of Torts § 821B(2)(b), this is unreasonable. The jury's verdict

that Meta committed 75,000 statutory violations of the UPA underscores the Court's conclusion that its conduct is unreasonable with respect to public nuisance. The Court need not go further to decide whether the jury's UPA verdict alone would be controlling as to unreasonableness because the State also proved that Meta's conduct is unreasonable under the Restatement (Second) of Tort's other alternative prongs. Each of these independently sustains the Court's conclusion that Meta's conduct was unreasonable.

E. Section 230 does not preclude the State's public nuisance claim.

104. Meta raised an affirmative defense that it is immune from the State's public nuisance claim pursuant to Section 230(c)(1) of the CDA. Defendants' Amended Answer and Affirmative Defenses at 65, ¶ 17, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. Aug. 2, 2024). This Court concludes that Meta is not immune from the public nuisance claim.

105. Section 230(c)(1) states that "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." As is pertinent here, Section 230 immunizes website operators from liability for content posted by third-parties on those websites. *See Woodhull v. Meinel*, 2009-NMCA-015, ¶ 19, 145 N.M. 533; *accord Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1101 (9th Cir. 2009) ("By its terms, then, [Section 230(c)(1)] only ensures that in certain cases an internet service provider will not be 'treated' as the 'publisher or speaker' of third-party content for the purposes of another cause of action."). To determine if a claim is protected by Section 230, the New Mexico Court of Appeals has applied a Ninth Circuit test: "(1) the defendant is a 'provider or user of an interactive computer service,' (2) the claim asserted treats the defendant as the 'publisher or speaker of information,' and (3) the published information was 'provided by another information content provider.'"

Woodhull, 2009-NMCA-015, ¶ 20. At the heart of this analysis is "whether the duty that the plaintiff alleges the defendant violated derives from the defendant's status or conduct as a 'publisher or speaker.' If it does, [S]ection 230(c)(1) precludes liability." *Barnes*, 570 F.3d at 1102.

106. The Court has not found binding authority that is analogous to guide its application of the test; but it considers the reasoning in several out-of-state cases to be persuasive. *See TikTok, Inc. v. Eighth Jud. Dist. Ct.*, 578 P.3d 640, 644-46, 649-52 (Nev. 2025) (holding Section 230 did not bar the plaintiff's claim that TikTok "knowingly designed its . . . platform" with addictive features that were "intended to keep young users on the app for as long as possible," and that were ultimately harmful to the young users, because the plaintiff's claims "ar[o]se from TikTok's alleged duty to provide a reasonably safe social media app rather than any failure to edit or remove third-party content"); *Lemmon v. Snap, Inc.* 995 F.3d 1085, 1090-94 (9th Cir. 2021) (holding Section 230 did not immunize Snapchat from the "the predictable consequences of designing" its app—namely, a "Speed Filter" along with "an incentive system within Snapchat that encouraged its users to pursue certain unknown achievements and rewards"—in such a manner that "encourage[d] dangerous behavior"); *Anderson v. TikTok, Inc.*, 116 F.4th 180, 181, 183-84 (3rd Cir. 2024) (holding Section 230 did not immunize TikTok from certain tort claims that were based on how the app's algorithm promoted a "Blackout Challenge" video to a ten-year-old, resulting in the child "unintentionally hang[ing] herself," because TikTok's algorithm was the "platform's own 'expressive activity'" and Section 230 only protects against liability from third-party content).

107. Based on the foregoing authority, and seeing that the State's claim seeks to impose liability on Meta for the impact of various platform designs and features, rather than third-party content, the Court concludes that Section 230 does not protect Meta from the State's public nuisance claim.

See TikTok, Inc., 578 P.3d at 649-51; *Lemmon*, 995 F.3d at 1090-94; *Anderson*, 116 F.4th at 183-84.

ENTRY OF JUDGMENT AND DECREE, AND ORDER GRANTING ABATEMENT RELIEF

108. The Court orders equitable abatement relief. Available remedies differ between a statutory public nuisance and a common law public nuisance. With respect to a statutory public nuisance, New Mexico's public nuisance statute explains how a public officer or private citizen may pursue a civil enforcement action to abate a public nuisance. Section 30-8-8 provides in its entirety:

> A. Except as herein provided, an action for the abatement of a public nuisance shall be governed by the general rules of civil procedure.
> B. A civil action to abate a public nuisance may be brought, by verified complaint in the name of the state without cost, by any public officer or private citizen, in the district court of the county where the public nuisance exists, against any person, corporation or association of persons who shall create, perform or maintain a public nuisance.
> C. When judgment is against the defendant in an action to abate a public nuisance, he shall be adjudged to pay all court costs and a reasonable fee for the complainant's attorney, when the suit is not prosecuted exclusively by the attorney general or a district attorney.

109. Thus, the authorized remedy is for abatement and the statute is silent on damages. Within this vein, federal courts have concluded that New Mexico law does not permit pecuniary damages in a statutory public nuisance enforcement action. *See Schwartzman, Inc. v. Atchison, Topeka & Santa Fe Ry. Co.*, 857 F. Supp. 838, 851 (D.N.M. 1994) ("Plaintiff's reliance on New Mexico's public nuisance statute is similarly misplaced. . . . Obviously, the statute does not provide for recoverability of damages. Nonrecoverability of pecuniary loss is consistent with the statute's intent."); *New Mexico v. Gen. Elec. Co.*, 335 F. Supp. 2d 1185, 1242 (D.N.M. 2004) ("The civil remedy available to the Plaintiffs under § 30–8–2 is abatement of the nuisance—equitable relief—rather than an award of pecuniary damages."); *see generally Gen. Elec. Co.*, 335 F. Supp. 2d at 1235-44 (discussing statutory and common law public nuisance concepts generally). Furthermore,

the New Mexico Attorney General has endorsed, or at least reiterated, this interpretation as to statutory public nuisances. *See* N.M. Att'y Gen., No. 2024-05 (Mar. 7, 2024) ("Notably, federal district courts have determined that New Mexico law does not permit compensatory damages for statutory public nuisance because abatement of the nuisance is the remedy prescribed by statute. It is possible that an action based on common law, as opposed to statutory, public nuisance would not be limited in such a manner." (citations omitted)).

110. While statutory actions are confined to abatement remedies, New Mexico appellate authority recognizes that certain damages are permissible in common law public nuisance actions. For instance, in *Espinosa v. Roswell Tower, Inc.*, the New Mexico Court of Appeals permitted punitive damages in a common law public nuisance action relating to improper asbestos removal. 1996-NMCA-006, ¶¶ 8-12, 15, 121 N.M. 306 ("Having determined that the penalties stem from a cause of action based on Appellants' failure to comply with regulations regarding the removal and disposal of asbestos, we reject Appellants' challenge to the penalties."). Further, in *Rio Costilla Cooperative Livestock Association v. W.S. Ranch Company*, the New Mexico Supreme Court wrote, "[a]s in other cases of public nuisances, a private individual has no right of action, either at law or in equity, because of the obstruction of a street or highway, unless he suffers some peculiar or special injury not common to the general public." 1970-NMSC-020, ¶ 24, 81 N.M. 353 (quoting 39 Am. Jur. 2d Highways, Streets and Bridges § 311).

111. Applying the same concept as *Rio Costilla*, the U.S. District Court for the District of New Mexico looked to the Restatement (Second) of Torts § 821C (1979) to explain that, "[i]n order to recover damages in an individual action for a public nuisance, one must have suffered harm of a kind different from that suffered by other members of the public exercising the right common to

the general public that was the subject of interference." *Gen. Elec. Co.*, 335 F. Supp. 2d at 1239. Expounding therefrom, the District Court held,

> [t]o satisfy the 'special injury' requirement in this case and establish any entitlement to compensatory damages on their common-law public nuisance claim, the Plaintiffs must show that the State has suffered some discrete physical harm or pecuniary loss apart from the more generalized injury to the public's interest that results from the public nuisance, here the contamination of public groundwater at South Valley by hazardous substances.

Id. at 1240. "Absent proof of some discrete 'special injury' to the State's interest apart from the injury to the public's interest in unappropriated groundwater, Plaintiffs may be limited to equitable relief seeking the abatement of the claimed nuisance." *Id.* at 1241.

112. Similar to a statutory public nuisance, abatement, as a form of equitable relief, is the default remedy to address a common law public nuisance.

113. An injunction to abate "may be employed to protect the public health, morals, safety and welfare from irreparable injury by a public nuisance[.]" *Compere*, 1940-NMSC-041, ¶ 10; *id.* ¶¶ 1, 21 (concluding the trial court erred by sustaining a "demurrer to the plaintiff's complaint seeking to enjoin defendant from engaging in the practice of medicine"). Further, an injunction may be prohibitory or mandatory. *See, e.g.*, *State v. Robertson*, 1957-NMSC-060, ¶¶ 1, 19, 63 N.M. 74 (affirming in part a judgment imposing a prohibitory injunction vis-a-vis a house of lewdness constituting a public nuisance).

114. An example in New Mexico of the latter applied in a public nuisance context is *State ex rel. N.M. Water Quality Control Comm'n v. City of Hobbs*, 1974-NMSC-064, 86 N.M. 444. In *City of Hobbs*, the New Mexico Supreme Court considered whether the trial court erred by ordering substantial rehabilitation of a water system in light of the city's creation of a public nuisance (*i.e.*, its haphazard operation of a sewage treatment plant that "allowed sewage effluent to form a mound of contaminated water about two miles in diameter in the water table . . . [and this] water gravitated

toward water wells in the surrounding area"). *Id.* ¶ 3. Specifically, the mandatory injunction ordered the city: (a) to install water service lines; (b) to address the whereabouts of the effluent discharge; (c) to "[i]mprove the quality of the sewage effluent"; (d) to furnish free hookups to the new water service lines to customers within a certain amount of time and pay for the construction thereof; and, (e) to accomplish all components of the judgment within a certain period of time. *Id.* ¶ 4. Ultimately, the New Mexico Supreme Court found no error, on the grounds argued, in the judgment of the trial court in fashioning its comprehensive public nuisance abatement remedy. *Id.* ¶ 17.

115. Although this Court could not find, and the parties did not cite, any New Mexico appellate or trial case in which a trial court created an abatement fund to ensure the availability of funds for use towards the abatement of a public nuisance, courts in other jurisdictions have recognized the permissibility of such a measure as a form of equitable relief.

116. In *People v. ConAgra Grocery Products Company*, the California Court of Appeals affirmed a trial court's creation of a public abatement fund, reasoning that "[t]he abatement fund ordered by the trial court was a reasonable method of prefunding the remediation that is required to abate the public nuisance created by defendants. The choice of this method was not an abuse of the court's broad discretion to fashion an appropriate abatement injunction." 227 Cal. Rptr. 3d at 570; *see also id.* at 569 ("A public entity may not recover in a representative public nuisance action any funds that it has already expended to remediate a public nuisance.").

117. Although applying West Virginia law, the United States Court of Appeals for the Fourth Circuit recently concluded that "West Virginia law permits abatement of a public nuisance to include a requirement that a defendant pay money to fund efforts to eliminate the resulting harm to the public." *City of Huntington v. AmerisourceBergen Drug Corp.*, 157 F. 4th 547, 574 (4th

Cir. 2025). The Fourth Circuit reasoned that "West Virginia has long characterized abatement as an equitable remedy." *Id.* "And notably, the goal of abatement in a public nuisance case is to repair a public right that has been damaged by a defendant." *Id.* The Fourth Circuit further explained that "[c]ourts have broad powers to effect equitable relief, . . . and [the Fourth Circuit had] not found anything in West Virginia law to suggest that the State Supreme Court would limit abatement to include purely declaratory or injunctive relief." *Id.*

118. Ultimately, equity serves as the basis for the creation of an abatement fund. The New Mexico Supreme Court explained:

> Equitable remedies . . . are distinguished by their flexibility, their unlimited variety, their adaptability to circumstances, and the natural rules which govern their use. There is in fact no limit to their variety and application; the court of equity has the power of devising its remedy and shaping it so as to fit the changing circumstances of every case and the complex relations of all the parties.

Navajo Academy, Inc. v. Navajo United Methodist Mission School, Inc., 1990-NMSC-005, ¶ 17, 109 N.M. 324 (quoting 1 J. Pomeroy, Equity Juris. Sec. 109 (5th ed. 1941)).

119. "A court of equity has traditionally had the power to fashion any remedy deemed necessary and appropriate in the particular case." *United States v. Price*, 688 F.2d 204, 211 (3rd Cir. 1982). "Equity, in addition to achieving an individualization of justice, is also, . . . a set of effective and flexible remedies admirably adapted to the needs of a complex society." *Id.* (internal quotation marks omitted). Thus, "[t]he fact that an injunction may require the payment or expenditure of money does not necessarily foreclose the possibility of equitable relief." *Id.* at 212. The Third Circuit continued:

> It is not unusual for a defendant in equity to expend money in order to obey or perform the act mandated by an injunction. Injunctions, which by their terms compel expenditures of money, may similarly be permissible forms of equitable relief. In all cases the question the court must decide is whether, considering all of the circumstances, it is appropriate to grant the specific relief requested.

Id. at 213. Thus, a mandatory injunction that orders a party to prefund an expense as a step in the abatement process is a permissible form of equitable relief. *Id.* at 212-13.

120. Having concluded that both a statutory and common law public nuisance exists, the Court orders Meta to abate the public nuisance in accordance with the following instructions.

A. Abatement Fund

121. The Court orders the creation of an abatement fund, in addition to the jury's Phase 1 award of $375,000,000 in civil penalties for Meta's UPA violations. As established above, the creation of a fund and use of the monies therein to abate a public nuisance is not without precedent, and in this case, the Court finds such a fund necessary, due to the wide-ranging impacts of the harm and the complex nature of the remedy. The Court further orders Meta to pay and deposit a total of $567,000,000.00 into a fund. Additionally, the funds shall be allocated as specified below to address the following categories of abatement measures:

Category	**Amount**
Awareness and Prevention	$33,000,000.00
Screening and Assessment	$90,000,000.00
Referral, Linkage, and Coordination	$15,000,000.00
Treatment	$420,000,000.00
Implementation, Continuous Quality Improvement, and Evaluation	$9,000,000.00
Total:	$567,000,000.00

122. In determining the cost of the abatement fund, the Court begins with the cost estimate from Plaintiff State of New Mexico's Proposed Findings of Fact and Conclusions of Law, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2026-02838 (1st Jud. Dist. Ct. June 12, 2026), as premised on economist Dr. Kelly O'Donnelly's testimony, [*see* 5-13-26 Tr. 18462:2-18463:2, 18467:12-18468:11, 18468:20-18469:1], and report, [Pl. Ex. 07743]. The abatement costs use the framework from the abatement plan ("Abatement Plan") proposed by Dr. Dana Weiner. [*See generally* Pl. Ex. 07739; Pl. Ex. 07740]

123. The Court does not accept all of Dr. Weiner's proposals. Dr. Weiner proposed a 15-year abatement period, which she asserted was "necessary to effectively implement a sustainable infrastructure and workforce to address and begin to mitigate social media-related harms." [Pl. Ex. 07740 at 3] However, it is this Court's conclusion that 15 years exceeds the scope of remedies available to abate currently existing harm and risk of harm. While the Court recognizes that some elements of Dr. Weiner's proposal require multiple years to bring to fruition (*e.g.*, increasing the behavioral health workforce), and others will take some time to implement and scale-up, a 15-year plan would necessarily involve treating harms beyond those that exist today.

124. Consequently, the Court calculates the abatement fund based on a shorter period than was proposed at trial. Specifically, the Court concludes that expense activity (*i.e.*, drawdown events to cover fund expenditures) shall be limited to a five (5) year period, and the overall abatement fund amount reflects such a five (5) year period of permissible expense activity. The Court reasons that five years is a sufficient amount of time for the State to spend monies from the abatement fund to urgently address the public nuisance with a goal towards swift abatement and amelioration of harm and risk of future harm caused therefrom.

125. Additionally, evidence before the Court reflects that other social media companies share responsibility for harm to New Mexico teenagers. While Meta did not apportion liability for the harm, the Court nevertheless determines that the total abatement fund amount should be reduced, based on the evidence and equitable principles.

126. With respect to funding for "Awareness and Prevention," Dr. Weiner recommended digital citizenship and youth internet safety training for teachers, school counselors, school psychologists, and healthcare professionals, which included a 5-year workforce scale-up for school psychologists, but for other elements of the plan predicted that the time to full implementation would be "immediate[.]" [Pl. Ex. 07740 at 3] The Awareness and Prevention element of the Abatement Plan is intended to help "prepare youth to safely navigate social media" as well as provide training to care-takers and educators. [Pl. Ex. 07739 at 16] The Abatement Plan anticipated that the fund will support media campaigns, school-based education, and toolkits for pediatricians. [*Id.*] The Court calculated the Awareness and Prevention abatement allocation based on a determination that the bulk of any work needed to accomplish these goals will occur early in the process, but some time will be needed to distribute funding, develop, and begin the programs.

127. With respect to funding for "Screening and Assessment" and "Referral, Linkage, and Coordination," the Court similarly reduces Dr. Weiner's recommended allocations based on a reduced time period and Meta's market share.

128. With respect to funding for "Treatment," Dr. Weiner recommended extensive community-based and family-based services, including fully funding new community-based health centers. [*See* Pl. Ex. 07740 at 5] Treatment is a necessary component of addressing harms to mental health and safety. Any abatement fund must include funding for appropriate clinical or other behavioral health programs and professionals. However, requiring Meta to fund entire new physical facilities

goes beyond what remedies are necessary to abate current harm. The allocation for "Treatment" does not contemplate funding for the construction of entire new hospitals or clinics, and the Court reduces Dr. Weiner's recommended allocations based on a reduced time period and Meta's market share.

129. With respect to funding for "Implementation, Continuous Quality Improvement, and Evaluation," the Court finds that collaboration and engagement across stakeholder groups, oversight of expenditures, and technological development are all important aspects of ensuring that funding is distributed appropriately and used efficiently. [*See* Pl. Ex. 07740 at 5] However, the Court also finds that much of the work to implement, oversee, and evaluate use of Abatement Plan funding will occur at initiation, and Meta cannot be required to fund continuous oversight. Consequently, the funding allocation for "Implementation, Continuous Quality Improvement, and Evaluation" is based on a shorter time period than Dr. Weiner recommended, and Meta's market share.

130. Given the scale and scope of the abatement fund, the Court anticipates entering separate orders to address the administration of the abatement fund and the process of drawing down monies in the abatement fund to facilitate the efficient and transparent purchase of goods, services, and other expenses required for the abatement of the public nuisance. The Court anticipates additional briefing and hearings to address these topics and a related scheduling order will be entered forthwith.

B. Abatement Period and Reporting Requirements

131. Regarding the duration of the abatement measures, the Court limits the duration of Meta's compliance obligations to a period of five (5) years (the "Abatement Period"). The Abatement Period shall begin to run from entry of this order, but shall be tolled during the pendency of any

appeals, provided that Meta pays a supersedeas bond. Further, the Abatement Period shall be the default period of time applicable to any component of the abatement measures adopted herein, unless this order specifies otherwise.

132. Regarding reporting requirements, the Court orders Meta to report in writing on a semiannual basis the status and progress of its compliance with each of the abatement measures ordered by the Court. Meta shall report to the Court and to the State by June 30 and December 31 of each year during the Abatement Period. To ensure transparency, Meta shall file its report into the above-captioned cause on or before the aforementioned reporting deadlines. The Court may hold a status hearing to address any component of the report if requested by either party or on the Court's own motion.

C. Age Assurance

i. The Children's Online Privacy Protection Act limits this Court's options to require age-verification tools.

133. Plaintiff requests that the Court require Meta to apply various age-verification tools on its platforms. *See, e.g.*, Plaintiff State of New Mexico's Proposed Findings of Fact and Conclusions of Law, ¶¶ 112-170, *State ex rel. Torrez v. Meta Platforms, Inc., et al.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. June 12, 2026).

134. The Children's Online Privacy Protection Act of 1998 ("COPPA"), 15 U.S.C. §§ 6501-06, and requirements developed by the Federal Trade Commission ("FTC") in 16 C.F.R. Sections 312.1 to 312.12 (2025) ("the COPPA Rule") limit the available relief. The COPPA makes it unlawful to knowingly collect personal information from a child under the age of 13 without meeting the COPPA Rule requirements. 15 U.S.C. § 6502(a)-(b). The COPPA Rule requires, as an example, that parents receive notice and give consent before a website or online service collects, uses or discloses such personal information. 16 C.F.R. §§ 312.2-.5. The COPPA likely limits age-

verification tools. The COPPA Rule defines "collection" broadly and expressly includes, among other methods, requesting the child to submit personal data and "passive tracking of a child online." 16 C.F.R. § 312.2. Although the FTC issued a policy in early 2026 stating that, in certain instances, it will not enforce COPPA against a website or online service that collects "personal information for the purpose of determining a user's age," the policy "does not create any substantive rights or entitlements" and the FTC retains its ability to bring actions for violations of COPPA through age-verification tools. [Pl. Ex. 06024 at 5-6] Even more, "[a]gencies are free to change their existing policies," so long as their change is explained; and, if altering a longstanding policy, they take into account "reliance interests." *Encino Motorcars, LLC v. Navarro,* 579 U.S. 211, 212 (2016); *see generally Jones v. Google LLC*, 73 F.4th 636, 639 (9th Cir. 2023) ("[COPPA] gives the [FTC] authority to regulate the online collection of personal identifying information about children under the age of 13.").

135. Because of the COPPA Rule, it is the Court's conclusion that it cannot order Meta to request children to submit personal data or be passively tracked online, even for age-verification purposes. The FTC policy from 2026 does not change the COPPA Rule.

ii. Meta shall take measures to verify user age, within the limits of COPPA.

136. Age verification is the key to making Meta's platforms safe for adolescents because there must be substantial certainty about whether a user is: (a) over 13 years of age, thus old enough to use the platforms; and, (b) over 18 years of age, so that adolescent protective restrictions on use should be removed and restrictions on the ability to connect with adolescents must be put in place. Without substantial certainty, there will be adults communicating with adolescents by claiming a false younger age and tweens communicating with teens and adults by claiming a false older age.

137. The 2026 Advisory recommended that technology companies "[a]dhere to and enforce age minimums for usage through robust, privacy-protecting assurance methods[,]" [Pl. Ex. 07976 at 35], and the Court concludes that this is an appropriate goal. With regard to users near the age of 18, such users likely have "signal" through internet activity and identification, such as a driver's license, passport, and consumer history to easily allow Meta to determine their age or to, if necessary, prove their age with relatively little effort on the part of the user. [*See* 5-15-26 Tr. 19660:17-19661:7 (Protti); 5-22-26 Tr. 21626:23-21627:6 (Sherman)]

138. With regard to users near the age of 13, it is far more difficult to assure their age, despite the importance of doing so. Users in that age group likely do not have identification, credit, numerous transactions in their name, or other "signal" to allow Meta to determine their age with accuracy. While the Court agrees that the inability to determine who is actually 13 years of age or older and who is 18 years of age or older creates avoidable risks of harm to children, the regulatory solutions to these problems lie in the executive and legislative branches and not with this Court. As discussed above, COPPA presents a legal barrier to this Court. Even more, as only one social media company is subject to the Court's jurisdiction, creating significant friction at sign up for only Meta would be inequitable and unduly injurious to Meta (*i.e.*, the equivalent of potentially closing the factory). Importantly, potential solutions, such as phone service providers or app stores sharing information with Meta, are outside this Court's jurisdiction. Finally, the fact that the oft-cited examples of the United Kingdom, European Union, and Australia social media legal limitations were all promulgated by their respective parliaments and not by courts in individual cases further supports the view that this issue is properly addressed in the broader industry-wide context and in other forums.

139. Meta's efforts to train a classifier to predict the age of users in this group is hindered by COPPA and its prohibition on the use of data that is needed to train a classifier to be more accurate in its age predictions. The court is not criticizing the policies behind COPPA but, rather, notes its impact on age verification of tweens and early teens.

140. All of the State's proposals, such as using unproven technology or requiring users in this youngest age group to acquire identification or appear before a judge to obtain a judicial determination of their age, are unreasonable and would result in an unworkable barrier to the use of Meta's platforms by those who have a right to do so. Additionally, because this Court has jurisdiction over just one social media company, it is predictable that placing such significant barriers to use of Meta's platforms would merely shift users to other, non-party platforms.

141. Other possible solutions, such as using cellphone company or app store data to verify age more accurately, are unavailable to this Court for a lack of jurisdiction over any such parties.

142. As such, the Court concludes that the following abatement relief proposed by Meta, while far from ideal or sufficient, is most appropriate. *See* Defendant's Post-Trial [Proposed] Findings of Fact and Conclusions of Law, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. June 12, 2026); *see also* Meta's Addendum in Support of Defendant's Post-Trial [Proposed] Finds of Fact and Conculsions [*sic*] of Law, Appendix B, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. June 12, 2026). Specifically, the Court orders that Meta undertake the following:

a. Continue improving Meta's age assurance models and tools in New Mexico. These efforts include: (i) using Artificial Intelligence tools to enhance Meta's heuristics, including by incorporating additional signals; and (ii) attempting to develop, within two

years, a dedicated under-13-years-of-age prediction model (using reasonable best efforts in light of COPPA limitations).

b. Proactively request proof of age for known or estimated New Mexico Instagram and Facebook accounts belonging to users that Meta's systems predict to be under the age of 13, and mark for deletion the accounts of those who do not verify their age within 30 days, consistent with any legal hold obligations.

c. Proactively assess profiles, images, posts, and comments of New Mexico accounts to determine whether users have admitted an age inconsistent with their stated age.

d. Where Meta believes a user is under 13 years of age or under 18 years of age but cannot estimate a precise age, Meta will treat the user as under 13 years of age or under 18 years of age, respectively, unless and until the user age verifies.

e. In the event Meta engages in age-related account suspension or deletion because the user is under 13 years of age, Meta will review accounts in the user's friend network to attempt to assess whether any of their friends are under 13 years of age.

f. Partner with schools or a child safety organization to create a reporting portal where school administrators can flag suspected accounts where users may be under 13 years of age across any social media platform. Meta must thereafter promptly review all reported accounts.

g. Make it easier to report underage users by reducing the number of steps and information required to report a Facebook or Instagram account as belonging to a user under the age of 13.

h. Delete the accounts and all personal information collected from accounts belonging to a user under 13 years of age.

i. Establish and maintain an age-assurance appeal process that timely allows users who contend their age was estimated incorrectly to appeal the finding.

D. Child Sexual Exploitation

143. Meta shall maintain its Teen Account features for users under the age of 18 that reside in New Mexico during the Abatement Period. Further, Meta shall ensure the following, at minimum, in relation to Teen Accounts. Meta shall undertake all of the following items below:

a. Maintain and enforce private by default setting for users under 18 years of age on Instagram, and limit by default friends on Facebook to users under 18 years of age for accounts belonging to users under 18 years of age. Private accounts belonging to users under the age of 18 shall not show up in a search, unless specifically identified by username, and shall not be recommended. Default settings shall not be changed without a parent's or guardian's consent or with proof that the user under 18 years of age is emancipated.

b. Ensure that, regardless of account status, no account belonging to a user under 18 years of age is recommended to an adult, albeit that adults may search for a specific account belonging to a user under the age of 18 by name or username to facilitate family and friend connections, but in no circumstances may Meta recommend an account belonging to a user under 18 years of age to an unconnected account belonging to an adult.

c. Ensure that no unconnected adult may message a user under the age of 18.

d. Implement default safety settings, generally incorporating at least those measures identified above, so that any changes to these settings require approval by a parent or guardian.

144. The Court does not adopt Plaintiff's requests for a prohibition on end-to-end encryption ("E2EE") for the following reasons. Meta has already ceased offering E2EE on its Instagram platform, and the Court orders that such cessation of E2EE on Instagram remain in place during the Abatement Period. Regarding Facebook, the Court does not agree with ending E2EE on this platform. Facebook has few adolescent users in New Mexico, and the Court only has jurisdiction over New Mexico accounts. Therefore, in light of the benefits E2EE may offer in many other markets outside of New Mexico, and the limited use of E2EE by adolescents on Facebook in New Mexico, the Court does not impose a prohibition on E2EE in relation to Facebook.

145. Meta, during the course of this litigation, made significant improvements to adolescent protections on its platforms. The minimum standards of protection may be improved upon and, with improvements in technology and classifier training, improvement is very likely. However, any minimum standards of protection—and features related to their implementation—may not be discontinued or diminished without the written stipulation of the State or order of the Court prior to the end of the Abatement Period.

146. Meta operates three platforms that are relevant to this matter: Instagram, Facebook, and WhatsApp. Instagram and Facebook employ algorithms to recommend content and people as possible connections to platform users. WhatsApp is an encrypted communication platform that does not recommend content or people you may know or follow.

147. Instagram is widely used by adolescents and Facebook is far less popular with adolescents.

148. The Court finds that WhatsApp is not a contributing cause to the public nuisance being abated, as predators and harmful content are not recommended to adolescents on that site. To the extent that WhatsApp's E2EE poses a risk to adolescents, that risk is outweighed by the benefits that E2EE offers to address privacy concerns of New Mexicans and other populations.

Additionally, the evidence offered at trial established that communication risks are principally created by the algorithmic connection and content recommendations by Meta on the Facebook and Instagram platforms. As a result, the Court's abatement orders apply to Facebook and Instagram and do not apply to WhatsApp.

149. Fundamentally, regarding sextortion, grooming and other exploitative activities, it is the algorithmically recommended connections of adults and adolescents that creates the most significant harm.

150. For many other platform risks, they are properly abated by setting certain controls to default, requiring parental consent to change the default settings, giving adolescents additional tools to manage their content and interactions, and educating parents and adolescents about platform hazards. With such abatement measures, the actual content need not be changed in a way that could violate Section 230 or the First Amendment.

151. Meta shall continue to display alerts to users under the age of 18 when they are at risk of potential sextortion or contact by a suspicious account. Nonetheless, Meta shall modify or enhance this safety protection such that the user under the age of 18 is strongly encouraged to end the communication immediately and any option to continue the communication is significantly deemphasized in the user interface.

152. Meta shall continue to employ, or increase the development of, methods to detect sextortion activity and other sexual exploitative activities, and maintain its Take It Down Program.

153. Meta shall prohibit New Mexico users under the age of 18 from sending or receiving images containing nudity and identified as violative of Meta's policies. Meta shall maintain functionality that results in the blurring of images where Meta suspects an image contains nudity.

154. Meta shall enforce a 1-strike policy for adult users who engage in child sexual exploitation. If evidence of such exploitation is found, Meta shall disable all accounts related to an offending adult user and prevent new account creation by such user. Meta shall ensure that account-opening prevention efforts are based on Meta's then most-advanced matching tools.

155. Meta shall ensure that all of its platforms include a clearly visible, forward-facing reporting mechanism to enable reporting of child sexual exploitation related to New Mexico users on each platform surface. Meta shall ensure that a human reviews any and all reports submitted through said mechanism within 48 hours from the time of report submission.

156. Meta shall ensure that all of its platforms include a clearly visible, forward-facing reporting mechanism to enable reporting of unwanted sexual advances by another platform user. The feature that allows reporting must be low-friction from a user interaction perspective, intuitive for the user, and must use language that is accessible and effective with adolescent users. Meta must provide prompt feedback to any reporter that submits a report using such a reporting feature.

E. Chatbot Usage and Interactions Therewith

157. Meta spent considerable time in Phase 1 and Phase 2 of the proceedings providing argument and evidence about how adolescents frequently worked to circumvent its age verification and other safety tools and yet, when it came to artificial intelligence chatbots, Meta expressed exasperated surprise that adolescent and other users were not using the chatbots as instructed and intended.

158. It is not only foreseeable but reasonably expected that adolescent and other users would interact with artificial intelligence chatbots maliciously or mischievously use chatbots in ways that cause harm to themselves or others.

159. Therefore, Meta shall prohibit and prevent New Mexico users under the age of 18 from engaging in romantic or sexualized interactions with Meta's artificial intelligence chatbots. Further, Meta shall prohibit and prevent New Mexico adult users from interacting with an artificial intelligence chatbot in a manner that simulates or discusses a sexualized or romantic interaction with a person or persons under the age of 18.

F. Addiction and Problematic Use

160. The Court is, in large measure, adopting Meta's proposals and requiring that they stay in place for the duration of the Abatement Period. In particular, the Court finds Meta's proposed measures to address push notifications on Facebook and Instagram to be compelling. The Court considers the 2026 Advisory, which recommends that technology companies "[e]liminate features designed to maximize screen time, such as autoplay videos, infinite scroll, recommendation algorithms, and reward notifications" as ways to design for user well-being, not engagement. [Pl. Ex. 07976 at 35] Nonetheless, regulation of industry-wide features that contribute to problematic use, such as infinite scroll and autoplay, require legislative or executive branch action; if the Court were to order changes to such features, it would risk competitively damaging Meta's platforms to an unreasonable extent, and possibly running afoul of the First Amendment and Section 230 because of the direct effect those features have on content presentation.

161. Regardless of whether it is labelled as an "addiction" or "problematic use," the evidence at trial proved that design elements, such as autoplay, infinite scroll, "like counts," and push notifications create a product that, particularly for adolescent users, is highly rewarding psychologically and neurochemically. As a result, for many, it is irresistibly compelling to start scrolling and very difficult to stop or abstain from its use.

162. In addition, algorithmic content recommendations can create harmful feedback loops and "rabbit hole" users. Within a similar vein, "like counts," *i.e.*, an aggregate count of unique instances where a user has noted their support of, agreement with or enjoyment of another user's content by clicking on a thumbs-up, heart or other emoji depending upon the platform, can provide a potentially harmful focus for adolescent users.

163. Of the above-mentioned design features, autoplay, infinite scroll and algorithmic content recommendations are most closely tied to content presentation because they directly impact the manner in which users are presented with third-party postings and advertising. As a result, autoplay, infinite scroll, and algorithmic content are features with clear Section 230 and First Amendment implications.

164. The evidence and argument at trial also showed that autoplay, infinite scroll, and algorithmic content recommendations are used widely in the industry. Therefore, in light of the broader market in which Meta operates and given the absence of Meta's competitors in this litigation, restrictions imposed on Meta's offering of the aforementioned features could harm the viability of Meta and its platforms.

165. In contrast, push notifications and "like counts" are least connected with platform content. Indeed, push notifications occur in many instances even when the user is not directly interacting with the "pushing" application on their device. Additionally, "like counts" are merely a feature created and offered by Meta to principally track and motivate user feedback, all without altering the underlying published content.

166. As with Age Assurance, while the Court agrees with the State that autoplay, infinite scroll, "like counts," and algorithmic recommendations combine to facilitate addictive or problematic behaviors in adolescent users, the Court does not see an equitable abatement method: (a) that

impacts only Meta, rather than imposing restrictions industry-wide; and, (b) that respects the protections of the First Amendment and Section 230.

167. With regard to the above-stated features and their impact on users, the Court's Accurate Disclosure and Educational Program abatement provisions is its most appropriate manner of abating the harms to adolescents. The Accurate Disclosure and Educational Program abatement provisions serve to educate adolescents, their parents or guardians, and community members about the risk of harm that certain features pose so that those users and other affected members of the public can understand how best to identify and respond to problematic use. Therefore, the Court orders as follows:

168. Meta shall eliminate push notifications on its platforms for known or estimated accounts belonging to users under 18 years of age: (a) from 10:00 PM to 7:00 AM (*i.e.*, hours when the vast majority of children are sleeping or should be asleep) on all days; and, (b) from 8:00 AM to 3:00 PM (*i.e.*, typical school hours) during the academic year, excluding weekends. Notwithstanding the foregoing, Meta may make exclusions to this rule for messaging from connected users and for urgent, targeted messages, such as for security or hazard alerts.

169. Meta shall hide, as a default setting for all accounts where the user is under 18 years of age, all "like counts" that Meta appends to content. Meta may only allow an override of the default setting when a parent or guardian gives the user under 18 years of age their permission to change the default setting.

170. Meta shall implement a mandatory usage time limit for accounts belonging to users under 18 years of age. Meta shall restrict the usage of all such users to not more than 90 hours of use per month cumulatively across Facebook and Instagram.

G. Algorithm

171. Plaintiff's requests for algorithm abatement measures are vague and aspirational, rather than objective and measurable, and would unreasonably interfere with the functioning of Meta's business activities (equivalent to putting the factory in receivership in order to abate its pollution).

172. Unlike the Court's other abatement relief that seeks to minimize or resolve harms caused by Meta's algorithmic content and connection recommendations without directly impacting platform content, the State's requested algorithm relief would directly alter and limit the manner in which platform content is displayed. As a result, Plaintiff's requests would likely violate the First Amendment and Section 230.

173. The Court grants no abatement relief relative to the design and implementation of Meta's algorithms.

H. Accurate Disclosure and Educational Programs

174. The Court views abatement measures that focus on accurate disclosure and educational programming as fundamental forms of relief, as such measures relate to Plaintiff's UPA claims for which the jury found Meta liable. Thus, the Court adopts many of the Plaintiff's proposals, including those already agreed to by Meta. A centerpiece of the measures the Court orders Meta to adopt for abatement of the public nuisance is the requirement that Meta make information available on its platforms in a forward-facing manner, rather than hidden in a pamphlet or buried elsewhere on https://www.meta.com.

175. A theme of this trial, from voir dire at the start of Phase 1 through argument throughout Phase 2, is that adolescents, parents or guardians, teachers, other community and family members, and Meta all have roles to play in keeping children safe from harms to mental health and sexual exploitation on Meta's platforms.

176. While the Court agrees and adopts this view, the Court also notes that Meta's platforms ultimately create the need for the protection; Meta created a public nuisance through *inter alia* its failure to provide sufficiently accurate and accessible information on its platforms, thereby hindering other stakeholders from understanding and performing their protective roles.

177. Meta's failure in this regard is strongly established by the jury's verdict in Phase 1 of the proceedings.

178. Unless and until Meta eliminates the dangers to adolescents on its platforms, accurate disclosure of platform dangers to adolescents and educational programs to instruct adolescents and their supporting adults how to identify and avoid the harms posed by those risks is essential to mitigating the public nuisance harms caused by those aspects of Meta's platform and content that the First Amendment, Section 230, and this Court's jurisdiction prevent from being more directly addressed in abatement relief.

179. Meta's public disclosures of platform risks on its website, *i.e.*, https://www.meta.com, are insufficiently clear and visible, particularly compared to its platform content and particularly in the context of adolescent users. As such, the disclosures are inadequate to inform users of the risks on the platforms and they are a significant contributing cause of Meta's public nuisance.

180. Meta shall build a banner screen on Facebook and Instagram to be displayed to all adult users in New Mexico at least once a month and all under 18 years of age at least once a week that provides a link to the following materials: (a) Meta's Transparency Center; (b) Meta's Parents Guide; (c) Meta's Safety Center; (d) Meta's Help Center; (e) Meta's Teen Accounts Information Webpage, where a clear explanation of all features and protections shall be provided in adolescent-centric verbiage; and (e) a link to any other comparable features or sources of information that

address safety or security topics. The banner screen shall be submitted to the State for its review, possible edits, and approval.

181. Meta shall provide information screens on Facebook and Instagram to be displayed to all new users under 18 years of age once a day that explain one or more of the following: (a) an aspect of safe platform use best practices; (b) available tools to address inappropriate content and behavior; (c) the concept of rabbit holing and ways to reset the algorithm to address the issue; and, (d) tools to avoid problematic use, such as nudges, self-imposed limits and other tools. These screens shall be displayed for the first 30 days that a new user under 18 years of age joins a platform, similar to Meta's presentation of new users under 18 years of age with Pristine Pool content. The screens shall be submitted to the State for its review, possible edits, and approval.

182. Meta shall fund, design, and implement an educational campaign in New Mexico, prepared in collaboration with and with the approval of the State, that publicizes: (a) risks associated with platform use; (b) safety tools and best practices to address those risks; (c) parental controls; (d) problematic content and behavior reporting tools; (d) risks associated with online bullying and features that help victims address it; and, (e) reporting mechanisms for accounts belonging to users under 13 years of age. This campaign shall also provide schools with ready-made materials, also prepared in collaboration with and with the approval of the State, that set forth information on these topics to be distributed as desired by the State.

183. The above-mentioned screens and materials are not intended to be a requirement for frightening, to constitute engagement damaging warnings, or to be mere glossy advertisements for Meta's products. Rather, the Court expects that a straightforward presentation of risks, and associated practices and tools for addressing those risks, will be provided for distribution and education.

184. Meta shall maintain the Meta Content Library, Content Library API, and the Center for Open Science Partnership to permit qualified researchers to conduct research on Meta platforms using appropriate and ethical methods to pursue meritorious research. The decision as to who is qualified, what methods are appropriate and ethical, and what research is meritorious shall be made by university research oversight boards and not by Meta so that Meta's data security concerns are respected and independent research may be accomplished.

I. Law Enforcement Reporting

185. The State proved in Phase 1 and Phase 2 that the State and NCMEC have limited resources. It is imperative that the State and NCMEC use those resources as efficiently as possible to address child sexual exploitation, including CSAM distribution.

186. The State also proved that Meta's interaction and collaboration with New Mexico law enforcement and NCMEC is problematic and prevents the State and NCMEC from using their resources most efficiently.

187. While Meta argues, in essence, that the lack of sufficient law enforcement resources is, itself, an independent cause of the sexual exploitation of children on its platforms, the Court disagrees. It concludes that Meta cannot outsource the consequences of problems created on and by its platforms to the State and NCMEC and claim that any failure in enforcement is exclusively the fault of those entities.

188. Meta has a duty to prevent and, when prevention is not possible, minimize the societal and governmental burdens that its activities created. Just like brick-and-mortar business locations, Meta can be held liable for repeated breaches of the law and peace resulting from its operation.

189. During the Abatement Period, Meta shall prepare semiannual trainings in New Mexico for state and federal law enforcement related to internet crimes against children. Meta shall fund the

semiannual trainings to a reasonable degree. Meta and the State shall collaborate and communicate regarding the necessity and desired content of the trainings to ensure that they are necessary and beneficial.

190. Meta shall identify and maintain, at all times, an individual as the point of contact for ICAC. The phone number and email address for said contact shall be kept up to date and provided to ICAC. The said contact shall help ICAC regarding referrals, reporting, and any identified improvements in communication between Meta and the State.

191. Within 30 days of the entry of this order, Meta shall communicate with NCMEC and discuss how Meta's CyberTip report system can be improved. Specifically, they should discuss whether its CyberTip reports: contain all of the relevant information that would be useful to law enforcement; do not contain information that is unnecessary, unhelpful and/or hindering to law enforcement in evaluating the reports; are being provided to NCMEC as soon as reasonably possible after learning of an apparent violation; are being relayed to NCMEC in the most efficient manner; and use the most accurate and helpful tags when appropriate. If NCMEC expresses reasonable requests or concerns regarding any of these issues, within 45 days of Meta's receipt of the request, Meta shall either modify its CyberTip reports to address the request or explain in writing to NCMEC and the State why it cannot reasonably address the request.

192. To reduce the number of errant referrals and the amount of time law enforcement takes to follow up on appropriate referrals, Meta shall ensure a human reviews all CyberTip reports of new CSAM posted by or shared with users in New Mexico. The human review shall be done in an expedited manner and prior to referring the report to NCMEC.

193. Prior to launching any updates or modifications to its CyperTip report system relating to New Mexico reports, Meta shall seek appropriate input from NCMEC to ensure the updates or

modifications are the most efficient and helpful to NCMEC and law enforcement in their identification of CSAM and CSEM. And Meta shall ensure, by appropriate testing, that the updates and modifications are deployed as intended and as discussed with NCMEC.

194. Within 30 days of the entry of this order, Meta shall report its current rates of detection of new CSAM to NCMEC and the State (the "Baseline Measurement"). At least annually thereafter, Meta shall report its rates of detection of new CSAM to NCMEC and the State. At the end of the Abatement Period, Meta's rate of detection shall have improved by no less than 5% from the Baseline Measurement.

J. Child Safety Monitor

195. The State requested a Child Safety Monitor. *See* Plaintiff State of New Mexico's Proposed Findings of Fact and Conclusions of Law, pages 112-23, *State ex rel. Torrez v. Meta Platforms, Inc.*, D-101-CV-2023-02838 (1st Jud. Dist. Ct. June 12, 2026).

196. The State's explanation of what would be monitored and what standards would be applied by the monitor to define compliance are extremely vague and, often, aspirational. Going back to the factory analogy, a monitor usually would measure pollution in the air and report whether or not identified pollutants were within satisfactory levels. But, the State asks for much more here. Applying the State's request to the analogy, the monitor not only would determine which pollutants to test, but also decide what level of each pollutant would be satisfactory, and whether to force the factory ownership to use the factory to produce a new product that is more to the monitor's liking.

197. The abatement requirements in this decree are wide-ranging, both in its implementation and in assessing its compliance. A monitor is unlikely to be helpful in all areas at issue.

198. On this basis, the Court denies the request for a monitor.

199. Instead, in this decree, the Court seeks to articulate objective, identifiable requirements that Meta must satisfy. If Meta does not meet those requirements, then the State may seek additional, appropriate relief or penalties from the Court.

200. The New Mexico Department of Justice may delegate review and consideration of Meta's compliance with any abatement terms to any agency or entity that it chooses; for instance, the New Mexico Public Education Department may be best positioned to consider educational materials, the New Mexico Department of Finance and Administration may be most qualified to manage and account for abatement proceeds, and some assessments may require expertise from outside of New Mexico.

201. If it becomes apparent to the Court that a specific requirement is frequently at issue, such that coming to the Court for its decision is unduly burdensome on the parties, the Court may appoint a monitor or special master to address the more specific term or area in dispute.

CONCLUSION

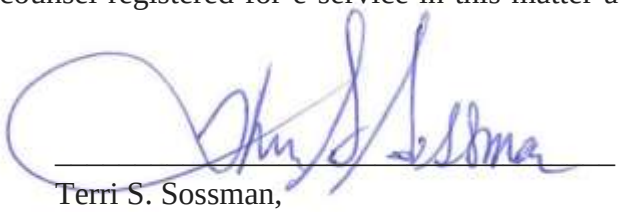
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that judgment and relief is hereby entered in favor of Plaintiff State of New Mexico, *ex rel.*, Raúl Torrez, Attorney General.

IT IS SO ORDERED.

BRYAN BIEDSCHEID
CHIEF DISTRICT COURT JUDGE
DIVISION VI

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date of acceptance for e-filing a true and correct copy of the foregoing was e-served on counsel registered for e-service in this matter as listed below.



Terri S. Sossman,
Trial Court Administrative Assistant